2012-06

State Capacity and Effectiveness in Combating Crime: a Comparative Study of El Salvador and Guatemala

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NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

THESIS

STATE CAPACITY AND EFFECTIVENESS IN COMBATING CRIME: A COMPARATIVE STUDY OF EL SALVADOR AND GUATEMALA

by

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June 2012

Thesis Co-Advisors: Maiah Jaskoski
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REPORT DOCUMENTATION PAGE			Form Approved OMB No. 0704-0188
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington DC 20503.			
1. AGENCY USE ONLY ***(Leave blank)***	**2. REPORT DATE** June 2012	**3. REPORT TYPE AND DATES COVERED** Master's Thesis	
4. TITLE AND SUBTITLE State Capacity and Effectiveness in Combating Crime: A Comparative Study of El Salvador and Guatemala		**5. FUNDING NUMBERS**	
6. AUTHOR(S) Berthea G. Hampton-Gaines			
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Naval Postgraduate School Monterey, CA 93943-5000		**8. PERFORMING ORGANIZATION REPORT NUMBER**	
9. SPONSORING /MONITORING AGENCY NAME(S) AND ADDRESS(ES) N/A		**10. SPONSORING/MONITORING AGENCY REPORT NUMBER**	
11. SUPPLEMENTARY NOTES The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government. I.R.B. Protocol number N/A.			
12a. DISTRIBUTION / AVAILABILITY STATEMENT Approved for public release; distribution is unlimited		**12b. DISTRIBUTION CODE**	

13. ABSTRACT (maximum 200 words)

Less than two decades after the conclusion of brutal civil wars, El Salvador and Guatemala are once again faced with high levels of violence stemming from drug trafficking, organized crime, corruption, and gangs. Overall, El Salvador was more successful in post-war state building. However, despite having stronger institutions and more capabilities, it is not better off when it comes to public security when compared to Guatemala, a state with weaker institutions and fewer resources. In fact, El Salvador's homicide rates have been consistently higher. According to prevailing conventional wisdom, a country with stronger institutions and more resources should be more capable and effective at maintaining order, but this is not the case. This thesis examines the nature of crime, institutional capacity, and the effectiveness of government responses to reduce violent crime. It argues that decisions made during the transition period set these states on different paths. Furthermore, while strong institutions are important to maintaining order, government policy can strengthen or weaken the effectiveness of the institution. Strong institutions are necessary, but not sufficient.

14. SUBJECT TERMS El Salvador, Guatemala, Central America, violent crime, homicides, drug trafficking, gangs, organized crime, corruption, institution building, critical junctures, *mano dura*, internal security, domestic security policy, *mara salvatrucha*, MS-13, M-18, 18th Street Gang			**15. NUMBER OF PAGES** 95
			16. PRICE CODE
17. SECURITY CLASSIFICATION OF REPORT Unclassified	**18. SECURITY CLASSIFICATION OF THIS PAGE** Unclassified	**19. SECURITY CLASSIFICATION OF ABSTRACT** Unclassified	**20. LIMITATION OF ABSTRACT** UU

NSN 7540-01-280-5500

Standard Form 298 (Rev. 2-89)
Prescribed by ANSI Std. 239-18

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STATE CAPACITY AND EFFECTIVENESS IN COMBATING CRIME: A COMPARATIVE STUDY OF EL SALVADOR AND GUATEMALA

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Submitted in partial fulfillment of the
requirements for the degree of

**MASTER OF ARTS IN NATIONAL SECURITY AFFAIRS
(WESTERN HEMISPHERE)**

from the

**NAVAL POSTGRADUATE SCHOOL
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LIST OF ACRONYMS AND ABBREVIATIONS

ARENA	Nationalist Republican Alliance
CARSI	Central American Security Initiative
COPAZ	Commission for the Consolidation of Peace
DTO	Drug Trafficking Organizations
FLASCO	Latin America Faculty for Social Sciences
FMLN	Farabundo Marti National Liberation Front
M-18	18th Street Gang
MS-13	*Mara Salvatrucha* Thirteen
OECD	Organization for Economic Development
ONUSAL	United Nations Verification Mission in El Salvador
PNC	National Civilian Police
USD	United States Dollars
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
URNG	Guatemalan National Revolutionary Unity
WOLA	Washington Office on Latin America

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ACKNOWLEDGMENTS

First and foremost, I thank God for the opportunities I have received throughout my naval career. Attending the Naval Postgraduate School has been a major highlight of this experience. I also thank my husband, Rick, my parents, Edith and Charles Hampton, and my brothers and sisters for their tremendous support and encouragement. A special thanks to my friend, Annie Patricio, your friendship has been a true blessing. I would also like to thank my thesis advisors, Professor Maiah Jaskoski and Professor Arturo Sotomayor, who have taught me how to think critically. Your support and guidance are very much appreciated.

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I. INTRODUCTION

A. BACKGROUND

Over the last fifty years, levels of crime and violence have been high in Central America. From the mid-twentieth century through the mid-1990s, three countries in the region underwent civil wars as armed forces battled guerilla insurgency groups. The internal conflicts resulted in hundreds of human rights abuses and an estimated 335,000 deaths. These civil wars came to an end with the signing of peace accords in Nicaragua in 1990, in El Salvador in 1992, and finally in Guatemala in 1996.[1] One of the main conditions outlined in each of the peace accords focused on security reform. Due to the human rights abuses, displacements, disappearances, and murders, which occurred during the civil war period, newly defined roles and structures were outlined for the military and police forces.

After the signing of their respective peace accords, these countries took different routes to recovery and development. As a whole, countries within the region still struggle with poverty, inequality, and social development.[2] Within a decade of the peace accords, these countries began facing new threats to public and human security due to a surge in illegal activity from organized crime, drug trafficking, and youth gangs. In terms of establishing political institutions, implementing measures to provide checks and balances on power, and executing police, military, judicial, and economic reforms, El Salvador has emerged as a stronger, more capable state when compared to Guatemala.[3] While there is much room for economic growth and social improvement in El Salvador, the country has developed better than its northern neighbor

[1] United Nations Office on Drugs and Crime(UNODC), "Crime and Development in Central America: Caught in the Crossfire," (May 2007), 35. http://www.unodc.org/pdf/research/Central_America_Study_2007.pdf.

[2] UNDOC, "Crime and Development in Central America," 9.

[3] Forest Colburn, "The Turnover in El Salvador," *Journal of Democracy* 20(3) (July 2009): 344–346.

since the civil war period. Guatemala suffers from weak political parties, high levels of corruption in the government and security sector, and what some scholars refer to as "underinstitutionalization."[4]

Yet, despite these differences in democratic, economic, and security development, El Salvador is not better off when it comes to combating crime, violence, and drug trafficking within its geographic borders. If, according to political science theorists such as Samuel P. Huntington, the establishment of strong institutions is a necessary condition to establishing a state capable of maintaining political stability and order within the country, then why has criminal activity as a result of gangs and illegal drug trafficking had the same outcome, if not slightly worse, in El Salvador than in Guatemala?[5] According to theory, the country that has stronger political party systems, stronger security institutions, and more available resources should be more capable and effective at maintaining order. However, this is not the case.

B. IMPORTANCE

There has been a significant increase in violence and crime in Central America within recent years. Today, Central America is the most violent region in the world.[6] Geographically, these countries are located in between the world's number one supply country for cocaine and the world's top consumer country of the illegal drug. The rise in criminal activity is largely attributed to illegal drug trafficking. Mexican drug cartels exploit porous borders, lax security forces, and corrupt government and security officials. Drug trafficking and the prevalence of gang activity, which is sometimes related and sometimes separate from illicit trafficking activities, have undermined economic development and human security in the region.[7] Specifically, El Salvador, Guatemala,

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[4] Omar Sanchez, "Guatemala's Party Universe: A Case Study in Underinstitutionalization," *Latin American Politics and Society* 50(1) (Spring 2008): 123; and International Crisis Group, "Guatemala: Squeezed Between Crime and Impunity," *Latin America Report* 33 (22 June 2010): i.

[5] Samuel P. Huntington, *Political Order in Changing Societies* (New Haven and London: Yale University Press, 1968), 4–5.

[6] The Economist, "Security in Central America: Rounding up the governments," June 23, 2011, http://www.economist.com/node/18867590/print.

[7] Rodrigo Serrano-Berthet and Humberto Lopez, "Crime and Violence in Central America: A Development Challenge," *The World Bank (*2011), ii–iii.

and Honduras lead the region in violent crime rates, and in the past few years, these three neighboring countries have become "the most violent region in the world outside of active war zones."[8]

Less than two decades after the conclusion of brutal civil wars, the region is once again faced with high levels of violence, and security forces within these countries have not been successful in curtailing the violence. It is estimated that over 200,000 people died in Guatemala's thirty-six year civil war from 1960 to 1996 and an estimated 75,000 people died in El Salvador's twelve-year civil war from 1980–1992.[9] Although there is a lack of concrete data, some analysts estimate that today's homicide and violent crime rates exceed the estimated death toll of the region's civil wars.

Over the last decade, United States foreign policy and aid to stem drug trafficking from and within Latin America has largely been concentrated on Mexico and Colombia. Through Plan Colombia, which was established in 1999, the United States has provided approximately $8.5 billion United States Dollars (USD) in aid to Colombia.[10] The Merida Initiative, established in 2008, pledges $400 million USD for Mexico, but only a combined $65 million in aid for the seven countries within Central America, the Dominican Republic, and Haiti.[11] Central America has received the least amount of economic aid and support from the United States, but currently has the highest crime and corruption rates.

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[8] Kevin Casas-Zamora, "Paying Attention to Central Americas Drug Trafficking Crisis," *The Brookings Institute*, October 27, 2010, http://www.brookings.edu/opinions/2010/1027_central_america_drugs_casaszamora.aspx.

[9] Central Intelligence Agency, "The World Factbook: Guatemala," May 24, 2012, https://www.cia.gov/library/publications/the-world-factbook/geos/gt.html; and Central Intelligence Agency, "The World Factbook: El Salvador," May 2, 2012, https://www.cia.gov/library/publications/the-world-factbook/geos/es.html.

[10] Lisa Haugaard, Adam Isacson and Jennifer Johnson, "A Cautionary Tale: Plan Colombia's Lessons Toward Mexico and Beyond," The Washington Office on Latin America Publication, November 2011, http://www.wola.org/sites/default/files/downloadable/Cautionary_Tale.pdf.

[11] United States Department of State, "Merida Initiative Fact Sheet," January 20, 2009, http://www.state.gov/p/inl/merida/.

Central American governments and security forces are losing in the fight against drug traffickers and gangs such as *Mara Salvatrucha* (MS-13) and the 18th Street gang (M-18). Guatemala is losing sovereignty in its northern region to Mexican drug cartels. Current President of Guatemala, Alvaro Colom, has stated that the Los Zetas control "seven or eight provinces—35 to 40 percent of our territory."[12] Recognizing the "grave threat posed by criminal groups" in the region, the United States increased aid to the region through the Central American Regional Security Initiative (CARSI), and in June 2011 at a conference in Guatemala City, in which the heads of state in Central America, Colombia, and Mexico met to discuss violence and crime in the region, the United States pledged another $300 million towards security efforts this year. The United Nations Development Program, the World Bank, and the Inter-American Development Bank also pledged millions of dollars to support regional efforts.[13] However, financial assistance, while critical, is not sufficient.

The importance of the research question of why El Salvador—a country with more stable institutions, a larger, better trained police force, more financial resources, and preventive social development programs—has consistently had a higher violent crime rates than it's "underinstitutionalized," less capable neighbor of Guatemala may help to determine what other factors governments need to consider and possibly counter in their fight against violence in the region. The presidents in each of these countries agree that this is a regional problem that will require a regional solution and they are trying to learn from each other. The crime threatens public and private security, the economy, and sovereignty. International organizations will likely continue to provide economic and development aid to the region, but if these funds are not used to bolster the right government institutions or policies, the efforts may be in vain, and human security will continue to plague the region. Under CARSI the United States Department of State efforts to confront security issues in Central America, "builds upon existing strategies

[12] Jaime Dettmer, "Colombia, Central America Record Huge Drug Seizures," *Dialogo*, March 10, 2011, http://www.dialogo-americas.com/en_GB/articles/rmisa/features/regional_news/2011/10/03/aa-central-america-drugs.

[13] The Economist, "Security in Central America: Rounding up the Governments," June 23, 2011, http://www.economist.com/node/18867590/print.

and programs, both on a bilateral and regional basis. It is designed to stop the flow of narcotics, arms, weapons, and bulk cash generated by illicit drug sales, and to confront gangs and criminal organizations."[14] However, if the existing strategies have not served to stem violence and increase citizen security in El Salvador and Guatemala, perhaps this thesis will illuminate how financial, law enforcement cooperation, and military assistance from the United States can be used more effectively in Central America.

C. MAJOR RESEARCH QUESTION

This thesis begins with the following puzzle, or problem. Research suggests that strong state and party institutions should lead to political and public order.[15] However, the Salvadoran and Guatemalan cases challenge these expectations. In Central America, El Salvador's state and party system have been notably strong and stable since the country's transition from civil war to democracy through peace accords. Notable in particular have been Salvadoran state security efforts to combat crime and violence. In contrast, Guatemala stands out as weakly institutionalized on all fronts, and yet the Guatemalan security reality is no worse than that of El Salvador.

Both El Salvador and Guatemala experience high levels of crime and violence. Estimates from the respective national police institutions and the Pan American Health Organization calculate the intentional homicide rate in El Salvador to be 66 per 100,000 people as compared to 41.4 per 100,000 in Guatemala.[16] While these numbers are estimates, the rate in El Salvador is notably higher than Guatemala.

High levels of crime and violence in the two countries exist *in spite of* substantial variation in institutional capacity. El Salvador is a case of significant capacity relative to the Guatemalan case. In terms of party strength, El Salvador has two major political parties. The Nationalist Republican Alliance (ARENA) established in 1981 is the main

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[14] Bureau of Public Affairs, The United States Department of State, "The Central America Regional Security Initiative: A Shared Partnership," August 5, 2010, http://www.state.gov/r/pa/scp/fs/2010/145747.htm.

[15] Samuel P. Huntington, *Political Order in Changing Societies* (New Haven and London: Yale University Press, 1968); and Scott Mainwaring, "Party Systems in the Third Wave," *Journal of Democracy* 9(3) (July 1998): 67-81.

[16] UNODC, "2011 Global Study on Homicide," http://www.unodc.org/documents/data-and-analysis/statistics/Homicide/Globa_study_on_homicide_2011_web.pdf, 93.

conservative party within the country, and the Farabundo Marti National Liberation Front (FMLN), which became an official political party in 1992, is the main left-wing party. On the other hand, Guatemala has over thirteen political parties, none of which have been able to win consecutive president election or maintain a majority of seats within parliament more than one election cycle. Parties are quickly marginalized and new ones are created, thus making it more difficult for them to gain legitimacy among the populace.[17]

Turning from political parties to state institutions, again Guatemala looks weak relative to El Salvador. El Salvador has approximately 362 police officers and 10 judges per 100,000 people while Guatemala has only 119 police officers and 6 judges per 100,000 people.[18]

If we look at state institutions particularly with regard to anti-crime and anti-violence efforts, again we see that El Salvador stands out as much more institutionalized than Guatemala. In 2003, the Salvadoran government undertook a *Mano Dura*, iron first or heavy hand, approach to combat crime. This policy allows the police and justice system to convict and imprison criminals on lesser charges. In contrast, Guatemala's President Alvaro Colom (2008–present) concentrated more on development and concentrated public spending on social welfare programs as opposed to police and military spending to suppress criminal activity.[19] In spite of its hardline nature, the highly controversial *Mano Dura* has not significantly decreased crime rates in El Salvador.[20]

A preliminary look at the available data indicates security policy, in addition the strength of government institutions and the degree of democratic consolidation, can be a determinant for whether or not these countries are able to successfully combat crimes and

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[17] Omar Sanchez, "Guatemala's Party Universe: A Case Study in Underinstitutionalization," *Latin American Politics and Society* 50(1) (Spring 2008): 128.

[18] UNODC, "Crime and Development in Central America: Caught in the Crossfire" (May 2007), 31-32, 82.

[19] The Economist, "Guatemala's Presidential Election: The Return of the Iron Fist," September 10, 2011, http://www.economist.com/node/21528620/print.

[20] Tom Bruneau, Lucia Dammert, and Elizabeth Skinner, *Maras: Gang Violence and Security in Central America* (Austin: University of Texas Press, 2011), 11.

render a more stable and orderly society. Indicating that strong institutions are necessary, but policy also matters. The iron fist approach to crime has not proven successful, but an adoption of social and economic developmental policies may be effective. However, development takes time. In the short term, it will be difficult to determine the payoffs from investing in social programs.

One hypothesis to be explored is how violent gangs and drug traffickers have infiltrated the state and society in both El Salvador and Guatemala but, given the different institutional contexts, this infiltration has taken different forms. Research for this thesis will began by considering the following elements of the two cases. In some instances, there is a nexus between gangs and drug trafficking, but criminals involved in gangs do not necessarily participate in the illegal drug trade, and drug traffickers in country have not necessarily linked up with the criminal gangs. El Salvador's largest violent crime issues stem from gangs, such as MS-13 and M-18. For Guatemala, facets of Mexican drug cartels operating and even controlling certain parts of the country present a larger problem for its security forces, than the gangs operating within the cities. Statistically, a homicide is a homicide, but when trying to determine the best way to combat crime, it may matter whether to focus more on gangs or drug trafficking.

D. LITERATURE REVIEW

Overall, most of the literature on insecurity in Central America has focused on the transition periods, democratic consolidation, and institutional reform, efficiency and effectiveness.[21] It is interesting that the comparative studies which have been undertaken, whether they focus on political party systems, economic reform, the police or the military have largely depicted El Salvador as having a greater capacity to combat violence and crime. What is missing among this literature is a study on why the outcome in

[21] In addition to the scholarly literature, international organizations such as the World Bank, the International Monetary Fund, and various offices within the United Nations, such as the United Nations Office on Drugs and Crime, provide a plethora of information and figures on the economy, crime, development, and drug trafficking in Central America. Periodic reports from these organizations provide a comprehensive tool to analyze trends in the region.

El Salvador is very similar to that of Guatemala in terms of the impact of gangs and drugs. Should not the more capable state have less crime? This thesis research will attempt to fill this gap.

As an example of the main focus of research on politics in Central America, John A. Booth analyzes how global economic and international factors impact domestic political transformations. He discusses regime transformation within Central America, but pays particular attention to Guatemala's democratic, economic, social, and political development. In his article, "Global Forces and Regime Change: Guatemala in the Central American Context," Booth uses the case study of Guatemala to argue that regime change in Central America was not based solely on domestic actors. He concludes that external forces influenced the internal transformation process. This work takes into account the impact international actors had on the country's post-war development. [22] In this tradition of focusing on political transition in Central America, Forest Colburn's research on El Salvador highlights how the country has been able to attain democratic consolidation after its civil war. In "The Turnover in El Salvador," Colburn highlights key achievements by the Salvadoran government since its transition. Specifically, he emphasizes how the country has developed strong political institutions, integrated business into politics, and has developed a culture that places law over individuals. He notes that although El Salvador is a poor nation when compared to other nations in Latin America, it has made significant progress over the last two decades.[23]

To the extent that studies of crime in Central America do present hypotheses about varied levels of crime and violence, they cannot explain why El Salvador has experienced high levels of crime and violence relative to the Guatemalan case. The ideas in the literature in fact have roots in Samuel P. Huntington's classic *Political Order in Changing Societies*.[24] Huntington, an institutionalist, argues that strong political institutions are essential for new states to achieve security, development, and growth.

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[22] John A. Booth, "Global Forces and Regime Change: Guatemala in the Central American Context," *Latin American Politics and Society* 42(4) (Winter 2000): 21-47.

[23] Forest Colburn, "The Turnover in El Salvador," *Journal of Democracy*, 20(3) (July 2009): 143-152.

[24] Samuel P. Huntington, *Political Order in Changing Societies* (New Haven and London: Yale University Press, 1968).

States that try to accomplish social equality and economic development prior to establishing strong institutions will most likely fail and the result will be an instable, violent society.[25] He argues for institutions first, then order will follow and this will create the environment for sustain development. Huntington focuses on both "input" institutions—i.e., political parties that moderate citizens' demands and lengthen their time horizons—and "output" institutions, or institutions of the state, to implement government policies.[26]

With regard to state institutions, Huntington expects that effective state institutions will be able to contribute to directly providing services, of obvious concern for the present thesis, given its focus on levels of crime and violence and thus state effectiveness in addressing these issues. In terms of economics, El Salvador collects more tax and other revenues from its populace, has lower poverty and inequality rates, and spends more on education than Guatemala, yet it suffers from greater internal violence than Guatemala.[27] Furthermore, Huntington's focus on state institutions is echoed in specific studies of public security institutions in Latin America. In *Criminality, Public Security, and the challenge to democracy in Latin America*, Bergman and Whitehead examine the institutional capacity of various governments to combat crime, giving particular attention to the effectiveness of judicial systems and the legal processes. Their work also examines causal factors of crime in the region.[28]

Studying the effectiveness of state institutions in the specific context of democratic Central America requires considering the unique challenges and opportunities for reforming state institutions in the aftermath of civil war. One comparative study that predicts lower rates of crime and violence in El Salvador than what we observe is Douglas Kincaid's "Demilitarization and Security in El Salvador and Guatemala:

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[25] Huntington, *Political Order in Changing Societies*, 4–5.

[26] Huntington, *Political Order in Changing Societies*, 84–85.

[27] Central Intelligence Agency, "The World Factbook: Guatemala," May 24, 2012, https://www.cia.gov/library/publications/the-world-factbook/geos/gt.html; and Central Intelligence Agency, "The World Factbook: El Salvador," May 2, 2012, https://www.cia.gov/library/publications/the-world-factbook/geos/es.html.

[28] Marcelo Bergman and Laurence Whitehead, *Criminality, Public Security, and the challenge to democracy in Latin America* (Notre Dame: University of Notre Dame Press, 2009).

Convergences of Success and Crisis." He discusses the details of the respective peace accords and examines how security reform was implemented in the two nations. Key conclusions from his work show how El Salvador was able to develop a larger, better-trained national police by purging the majority of pre-transition personnel. In Guatemala the conditions outlined in the peace accord were not followed as closely. A rise in violence and other criminal activity before the national police force could be developed in accordance to the peace accords, led to pre-transition personnel keeping their positions within the military, police, and intelligence services. The result has been a more corrupt security force. Kincaid's main evidence and argument centers on how the fulfillment of the peace accords was a necessary precondition for a functioning political democracy and development.[29] Though interesting, Kincaid's study does not offer a solution to the problem at hand: His analysis leads us to expect that El Salvador would experience lower levels of crime and violence, given the effective security forces in that country, relative to the case of Guatemala.

Another important piece of literature that specifically addresses both transitions and civilian security in Latin America is Charles T. Call's article "War Transitions and the New Civilian Security in Latin America." Call provides a good overview on the leading arguments on democratization, institutionalization, and reform for newer democracies and breaks them down into four different categories. He takes into account the theories of scholars and academics such as Samuel Huntington, Wendy Hunter, Guillermo O'Donnell, Scott Mainwaring, James Petras, William Robinson, and others. He highlights how the demilitarization of internal security, such as national and police forces, will impact political development, and concludes that the weakening of the armed forces in the post transition phase is a necessary, but not sufficient condition for internal security reform.[30] Overall, he argues that war transitions provide an opportunity for greater security reform than as seen in non-war transitions. Call uses specific examples in

[29] A. Douglas Kincaid, "Demilitarization and Security in El Salvador and Guatemala: Convergences of Success and Crisis," *Journal of Interamerican Studies and World Affairs* 42(4) Special Issue: Globalization and Democratization in Guatemala (Winter 2000): 39-58.

[30] Charles T. Call, "War Transitions and the New Civilian Security in Latin America," *Comparative Politics* 35(1) (October 2002), 1–2.

his argument, which evidence from both El Salvador and Guatemala. Following Call, this thesis will explore whether the two countries' security forces are similarly ineffective due to the civil war and/or war transitions.

Comparative research on El Salvador and Guatemala brings to the fore the question of public trust in and support for state institutions, and therefore the issue of whether state security forces will be ordered in to aggressively fight crime. In Orlando Perez' "Democratic Legitimacy and Public Insecurity: Crime and Democracy in El Salvador and Guatemala," he is most concerned with human security and public confidence in the national police. He argues there is a connection between crimes within a society and how society views democracy and concludes that the police's inability to fight crime weakens democratic legitimacy.[31] This work provides a necessary viewpoint of the subject because public confidence for internal security forces can impact whether or not citizens decide to report or ignore criminal activity; in addition, it can also impact whether or not they will support repressive or authoritarian-leaning governments and laws. From analyzing the responses in public surveys, Perez finds that trust and confidence in the national police to be slightly higher in El Salvador than in Guatemala. While the survey questions posed to measure support for authoritarian measures within each country were slightly different, approximately 31% of Salvadorians surveyed would support authoritarian measures. In Guatemala, he found that while the majority of respondents would support a "strong-hand" government, they did not equate "strong-hand" to authoritarianism.[32]

Importantly from the perspective of state effectiveness, whereas from one perspective a strong state stance against crime and violence should be effective, therefore leading us to expect that the Salvadoran approach would reduce crime and violence, others take the opposite view. A major critique of El Salvador found in literature today focuses on the *Mano Dura* policy the government has undertaken to combat increased gang and drug trafficking activity. In "El Salvador Responds to Gangs," Mo Hume

[31] Orlando Perez, "Democratic Legitimacy and Public Insecurity: Crime and Democracy in El Salvador and Guatemala," *Political Science Quarterly* 18 (4) (Winter 2003/2004): 627-644.

[32] Perez, "Democratic Legitimacy and Public Insecurity," 638–641.

discusses how the government's focus on repression versus prevention has not had the desired effect of reducing crime rates. Hume argues that this zero tolerance type policy and repressive measures undertaken by the government is a sign of a weakening democracy. [33]

Turning from state institutions to political parties, Huntington is focused on how political parties can serve the function of controlling and reducing the potential for destabilizing political activities. For purposes of this thesis, the question of political parties, and especially in the democratic context, raises two potential, opposite predictions, neither of which plays out in the Guatemala-El Salvador comparison. On the one hand, in a democracy stronger political parties increase political accountability and therefore suggest that state institutions, such as the police force, will be employed more effectively in settings where parties are stronger.[34] However, at the same time that parties ensure more accountability, they can also stand in the way of radical shifts in policy, such as a move toward a hardline anticrime or anti-gang policy. Scott Mainwaring found cases of weak party institutionalization to be higher in third wave democracies, and while these governments still function, it hinders consolidation.[35] Indeed, it is precisely in a setting of weak institutional checks on the executive where citizens throw up their hands and grant the executive excessive powers to address major crises, focused more on the ends and less on the means to successfully addressing the problem.[36] Given that El Salvador and Guatemala differ substantially in terms of the strength of their political parties and yet both countries experience high levels of crime and violence, party institutionalization cannot tell the whole story. Though El Salvador's level of violence and crime is somewhat higher than that of Guatemala, this difference has not been the result of political parties interfering with Salvadoran executive actions to crack down on violence and crime, given that the government *has* in fact pursued a hardline policy.

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[33] Mo Hume, "El Salvador Responds to Gangs," *Development in Practice* 17(6) (November 2007): 739-751.

[34] Scott Mainwaring, "Party Systems in the Third Wave," *Journal of Democracy* 9(3) (July 1998): 67-81.

[35] Mainwaring, "Party Systems in the Third Wave," 67-81.

[36] Guillermo O'Donnell, "Delegative Democracy," *Journal of Democracy* 5(1) (January 1994): 55-69.

The themes of weak institutions are present in specific research on the Guatemalan case. Like the comparative studies, most contemporary literature involving single case studies on Guatemala analyzes the path the government has taken since the end of the 1996 civil war and its ability to govern, provide security, and implement necessary reforms. Mark Ruhl's "The Guatemalan Military since the Peace Accords: The Fate of Reform under Arzu and Portillo," is an example of this type of literature. Ruhl examines the policies implemented by the first two democratic administrations in Guatemala after the peace accords. He argues that the civilian government did not adequately enact control over the military reform process. He points the finger at the administrations for failing to implement firm control over the military. Ruhl's article is important because it provides insight on civil-military relations within Guatemala and will potentially shed light on the means by which the Guatemalan state combats insecurity, in a context of overall weak political and state institutions.

In terms of Guatemala's weak parties in particular, work by Omar Sanchez provides analysis of Guatemala's political institutions. He uses the framework established by Scott Mainwaring and Timothy Scully to analyze Guatemala's party systems. The title of his article, "Guatemala's Party Universe: A Case Study in Underinstitutionalization," provides a good harbinger to his findings. He criticizes the Guatemalan political system as being an "instrument" for actors in the military, business, and even organized crime sectors. Sanchez argues this is a result of Guatemala's history and path dependence. He highlights that parties were not created or developed within the community or society, but instead developed simply to contest elections. The result is a "nonsystem of parties" and institutions too weak to be relevant.[37] Sanchez' argument is unique in that it points to path dependence as the reason for Guatemala's current state of affairs. Drawing on this study, the present thesis will seek to identify the different mechanisms by which organized crime has taken hold in El Salvador, given the stronger political institutions there.

[37] Omar Sanchez, "Guatemala's Party Universe: A Case Study in Underinstitutionalization," *Latin American Politics and Society* 50(1) (Spring 2008): 123-151.

E. METHODS

The analysis set forth in this research utilizes a comparative case study between Guatemala and El Salvador to find answers to the major research question. Up until the mid-twentieth century, there are many historical similarities between Guatemala and El Salvador's development. To begin, both El Salvador and Guatemala went through civil wars. While the underlying causes of their respective civil wars were slightly different, the end of these wars and the beginning of the peace process created a unique opportunity for change in both states. At the conclusion of their respective civil wars, these countries took divergent paths towards establishing new institutions. El Salvador's war lasted twelve years, and Guatemala's lasted for thirty-six years. It is necessary to trace aspects of how the governments transitioned from military led governments to democratic rule in particular areas, specifically with respect to building state security and judicial institutions. The negotiated peace accords have several factors in common, and not all of the conditions have been met. It is important to track what has actually been done and to what extent post-civil war security policies and reforms have been instituted.

F. THESIS OVERVIEW

The thesis compares the two countries across three main sectors—political institutions, security institutions and the policies and programs implemented to combat violent crime. It begins like most of the other literary works on the topic. Chapter II establishes the nature of crime within both countries and outlines the working definitions used throughout the analysis. It compares the nature of crime and the degree to which these crimes contribute to the overall intentional homicide rates. It rules out the type of crime as an explanation for the outcome.

Chapter III discusses the peace accords within each state and details how the security institutions were established. It is necessary to look at which conditions were actually met and the degree to which they were fulfilled. It details how El Salvador emerged with stronger security institutions in terms of training, capability, resources and

capacity, than neighboring Guatemala. It concludes that institutional capacity, while important does not guarantee effectiveness. It also lays the groundwork for the major argument presented in Chapter IV.

Chapter IV presents the central argument. It uses an institutional path-dependent framework to analyze the two cases, and concludes the decisions made during the transition period set the security institutions within the two countries on divergent paths. Because El Salvador invested more into building up a new national police force during the transitional phase, its forces are better trained, less corrupt, and more capable than Guatemala. Unlike El Salvador, Guatemala chose to maintain a large portion of existing forces, which weakened the strength of the institution in the long term and allowed old practices, such as corruption, and incompetence to continue. Guatemala's murder rates have consistently increased in its post-war years, proving institutions matter. The chapter goes on to argue that government policy in El Salvador, as a result of the exaggerated, sensationalist view of gangs in society, only served to exacerbate the crime problem. Homicide rates were steadily declining before the implementation of the *Mano Dura* Plan. After *Mano Dura* there was a notable increase in homicide rates. Similar results were seen in Guatemala, when its police force implemented repressive tactics against youth gangs. The second part of the argument demonstrates how government policy can undermine institutional effectiveness.

Finally, Chapter V provides a summary of the major findings and reiterates the central argument. It discusses policy recommendations for both El Salvador and Guatemala as well as for United States efforts to support these countries in addressing these public security issues. If left unchecked, the current nature of crime in Central America can have a devastating impact on regional stability. It is in the interest of these states, as well as the United States to work towards effective solutions to lessen crime.

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II. DEFINING THE CRIME, EXAMINING THE DATA, AND DETERMINING THE IMPACT OF CRIME IN EL SALVADOR AND GUATEMALA

It is widely agreed that a combination of drug trafficking, organized crime syndicates, and gangs, are the leading factors that undermine public security in both El Salvador and Guatemala. Each of these activities is prevalent in both countries, but the levels and complexity vary within each state. For example, Guatemala is known to have more drug trafficking activity than El Salvador. This chapter examines the nature of the crime within both countries to determine whether or not the type of violence can shed light on the reason why El Salvador has higher homicide rates. It is important to highlight at the start that while each of these undertakings are contributors to violent crime and public insecurity, it should not be assumed the activities of these entities are intertwined. Studies have shown that while youth gangs in Central America may deal drugs locally, they are not linked up with transnational narco-trafficking networks.[38]

This chapter will only discuss drug trafficking, organized crime, and youth gangs. However, it is acknowledged they are not the only activities that contribute to criminal violence. As Geoff Thale, Program Director for the Washington Office on Latin America (WOLA), has emphasized:

> Discussion of violence in Central America often begins and ends with youth gangs and drug dealers, as if these were the only forms of violence that citizens in Central America experience. But in fact, citizens confront a broad spectrum of violence, and it is important to locate both youth gangs and organized criminal groups within that spectrum.[39]

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[38] Center for Inter-American Studies and Programs at the Instituto Tecnológico Autónomo de México, the Ford Foundation and the Kellogg Foundation, sponsors, Executive Summary of "Transnational Youth Gangs in Central America, Mexico, and the United States,"(2009), http://interamericanos.itam.mx/maras/docs/Resumen_Ejecutivo_Ingles.pdf, 2; and Sonja Wolf, "Mara Salvatrucha: The Most Dangerous Street Gang in the Americas?," *Latin America Politics and Society* 54(1) (2012): 68.

[39] *Violence in Central America* Briefing and Hearing before the Subcommittee on the Western Hemisphere of the Committee on Foreign Affairs, House of Representative. 110th Cong. 1 (June 26, 2007) (statement of Geoff Thale, Program Director for the Washington Office on Latin America).

In a 2007 statement to the United States Congress, Thale highlighted how intra-familial violence and politically motivated crimes are also sources of violence.[40] In depth discussions of these types of violence goes beyond the scope of this research because current research has not shown these to be major contributors to homicide rates, but they are noteworthy as factors that affect the overall levels of violence in country.

An important factor to highlight before discussing the statistical data associated with criminal violence is how the illegal natures of these activities make it difficult to narrow down exact numbers. In researching this topic, a repeated theme, and frustration, echoed by analysts, authors, and scholars has been the difficulty associated with data collection and determining exact figures. Factors such as a lack of reporting and poor collection methods have hampered data collection. Nonetheless, international organizations and state institutions have worked to establish estimates, and these figures have been beneficial to developing and analyzing regional trends.

This chapter assesses whether the level of activity, i.e., the number of gang members or prevalence of drug traffickers, within the state, could be a reason why El Salvador has consistently had higher homicide rates. Using available data, this chapter examines the extent to which gangs, drug trafficking, and other types of organized criminal activity contribute to homicide rates in both countries. Overall, it shows the types of illicit activity, which generally leads to homicides, is more prevalent in Guatemala.

A. DEFINING THE CRIME

While there is a common consensus on the contributors of crime, there are different opinions on their definitions, such as what constitutes a gang and its membership. Another topic of interest is which of these groups cause the most violence. Are illicit drug traffickers responsible for the majority of the deaths or is youth gang activity the main reason for increased homicide rates? This section will discuss the definitions that will be referred to throughout the analysis.

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[40] *Violence in Central America* Briefing and Hearing before the Subcommittee on the Western Hemisphere of the Committee on Foreign Affairs, House of Representative. 110th Cong, 1. (June 26, 2007) (statement of Geoff Thale, Program Director for the Washington Office on Latin America).

1. Defining Gangs

There are various definitions within literature as to what constitutes a gang. These differences in definitions are a contributing factor to divergent estimates on the quantity and number of gang members in Central America. For example, after obtaining data from different sources, a United States Agency for International Development (USAID) research project noted that gang member estimates in Guatemala varied widely, ranging from 14,000 to 165,000 members.[41] Part of the variation comes from terminology. The term gang can refer to juvenile delinquents who join together to commit various acts of crime, and the same term can refer to more formalized structures of groups who have initiation processes, rules, distinct identities that separate them from other groups, and have a defined operating area. The United Nations Office on Drugs and Crime (UNODC) provides a distinction between these two types, and defines the latter as an "institutionalized gang."[42]

When the term gang is used in this analysis, it refers to institutionalized gangs as defined by the UNODC. In Central America and in some literature the terms *maras* and *pandillas* are also used, sometimes interchangeably, in reference to gangs. *Pandillas* is a traditional term that has been used within Central American countries since the 1950s to describe gangs.[43] *Maras* is a more contemporary term that has been used to refer to the larger, more dangerous post-civil war gangs, with transnational origins.[44] Research has shown that *maras* have proven to be more dangerous, than other *pandillas*, but both contribute to violent crime in El Salvador and Guatemala.

a. History of Major Gangs in Central America

Over the last two decades, Central American youth gangs have risen to be a contentious topic of discussion in both Central American and in the United States.

41 U. S. Agency for International Development, Central America and Mexico Gang Assessment, Annex 2: Guatemala Profile (April 2006), 3.

42 UNODC, "Crime and Development in Central America: Caught in the Crossfire," (May 2007), 58.

43 UNODC, "Crime and Development in Central America: Caught in the Crossfire," (May 2007), 59.

44 U.S. Library of Congress, Congressional Research Service, *Gangs in Central A*merica, by Clare Ribando Seelke, CRS Report RL34112 (Washington, DC: Office of Congressional Information and Publishing, January 2011), 4.

Almost any dialogue on gangs in Central America will bring up *Mara Salvatrucha* also known as MS-13 and *Barrio Dieciocho* also known as 18th Street Gang, *Barrio 18, and* M-18. They are the two dominant, most populated gangs in the Central American region. The origins and history of these gangs is an important part of understanding its current transnational nature. These two gangs originated in immigrant communities in the Los Angeles area of California. During the mid-to-late 20th century, thousands of Central Americans migrated to the United States to escape the civil wars in their native countries. Many established themselves within existing Spanish-speaking immigrant communities in the Los Angeles area. At the time, Los Angeles had several existing gangs, which were primarily defined by ethnicity. 18th Street Gang, formed in the 1960s, was primarily a Mexican gang, which accepted members from different ethnicities. In the 1980s, there was a surge in El Salvadoran migrants to the area, and these youth banded together to form their own Salvadoran gang to protect themselves against existing gangs, and thus *Mara Salvatrucha* was created. Originally, *Mara Salvatrucha* consisted of primarily El Salvadorans, but like the 18th Street Gang, it later opened itself up to other ethnicities from Central America. These new gangs assimilated to gang culture in Los Angeles and became involved in violence against rival gangs and criminal activities.[45]

Mara Salvatrucha went through several evolutions as a result of confrontations with other gangs in the Los Angeles area and laws in the United States. In the 1990s, in order to compete against other rival gangs, it formed an alliance with the Mexican Mafia gang, also known as Los Emes or in English, The M's, and added the number 13 to its name to signify this alliance, because the letter "m" is the thirteenth letter of the alphabet. Gang violence increased and more gang members were imprisoned. The major catalyst that exported MS-13 and M-18 to Central America was the 1996 Illegal Immigration Reform and Immigrant Responsibility Act passed in the United States. This law allowed the legal deportation of non-U.S. citizens serving terms in U.S. prisons back to their native countries. Annual deportations "skyrocketed" and thousands

[45] Washington Office on Latin America, "Central American Gang-Related Asylum: A Resource Guide," (May 29, 2008), 1–2. http://www.wola.org/sites/default/files/downloadable/Central%20America/past/CA%20Gang-Related%20Asylum.pdf.

of gang members were deported to El Salvador, Guatemala, and Honduras. They took with them the violent gang culture, and formed new cells in their home countries.[46]

b. Current Gang Statistics

MS-13 and M-18 quickly developed roots and established a permanent presence in El Salvador and Guatemala. However, it is important to highlight that although the two major gangs in El Salvador and Guatemala share the same origin, the numerous cells established within these countries are not the same. As a USAID assessment on gangs in Central America states, "one *mara* does not fit all."[47] Of equal importance, is that while MS-13 and M-18 are "transnational," in that it is established in several countries in Central America—El Salvador, Guatemala, and Honduras—as well as different cities across the United States there has been little concrete evidence to suggest that these gangs have a clear hierarchal leadership structure. Instead analysts have found that these gangs are comprised of smaller, decentralized units. The units create an extensive network, but there is not proof of a single transnational leader or sect who makes decisions for the entire gang or controls and orchestrates gang activity.[48] There are more distinctions between and within gangs in both El Salvador and Guatemala, but these specific characteristics go beyond the scope of this research. The particular aspect this research examines is how these gangs contribute to overall violent crime rates in their respective countries.

The El Salvadoran Interior Ministry estimates 15,000 gang members in country, while the UNDOC estimates there are 10,500.[49] Similarly, the Guatemalan National Police estimate the numbers of gang members in country to be between 8,000

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[46] Al Valdez, "The Origins of Southern California Latino Gangs," in *Maras: Gang Violence and Security in Central America*, ed. Thomas Bruneau, Lucia Dammert, and Elizabeth Skinner (Austin: University of Texas, 2011), 30.

[47] U. S. Agency for International Development, *Central America and Mexico Gang Assessment, Annex 2: Guatemala Profile* (April 2006).

[48] Sonja Wolf, " Mara Salvatrucha: The Most Dangerous Street Gang in the Americas?," *Latin America Politics and Society* 54(1) (Spring 2012), 67.

[49] United Nations Office on Drugs and Crime (UNODC), "Crime and Development in Central America: Caught in the Crossfire," (May 2007), 60; and Washington Office on Latin America, "Central American Gang-Related Asylum: A Resource Guide: Gangs in El Salvador," (May 29, 2008), 2.

and 10,000, while the UNODC estimates 14,000.[50] In terms of size, El Salvador and Guatemala both have approximately 10,000–15,000 gang members. Guatemala has an estimated population of 14.7 million people, but most of this population lives in rural areas. El Salvador has a population of 6.1 million people, with 35% residing in rural areas. The youth gangs these countries are dealing with are largely an urban phenomenon, and gang activity within both states is concentrated in the larger cities.

c. Crime Attributed to Gangs

It is well known that gangs are linked to illegal activity. However, one of the most controversial topics is the specific type of crime and the degree to which gangs are involved in them. This topic is debated in the literature for both El Salvador and Guatemala. Criminal activities attributed to gangs include theft, armed robberies, drug sales, extortion, rape, and homicides.[51] It is agreed that gangs are becoming more sophisticated and have changed their operating areas and activities in response to increased pressure from law enforcement entities. However, a topic of debate surrounds the quantity of homicides attributed to gangs. Some academic research, journal articles, media, and political officials attribute the leading cause of rising violent crime rates in El Salvador and Guatemala to youth gang activity.[52,53] For example, an April 2012 report from the Council on Foreign Relations Center for Preventive Action states, "soaring homicide rates and widespread perceptions of insecurity are also largely due to the proliferation of local gangs."[54] Despite these generalized claims, the evidence and data collected and analyzed, while limited, depicts gangs in El Salvador and Guatemala as being responsible for a lesser portion of overall homicide rates in the region. According to a 2011 World Bank report, "multiple sources suggest that perhaps 15 percent of

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[50] Washington Office on Latin America (WOLA), "Central American Gang-Related Asylum: A Resource Guide: Gangs in Guatemala," (May 29, 2008), 2.

[51] Sonja Wolf, " Mara Salvatrucha: The Most Dangerous Street Gang in the Americas*?," Latin America Politics and Society* 54(1) (Spring 2012): 78.

[52] Ivan Briscoe, "A Criminal Bargain: the State and Security in Guatemala," *Fundacion Para Relaciones Interantionales Y El Diaglog Exterior (FRIDE)*, Working Paper 88 (September 2009), 12.

[53] Ana Arana, "How the Street Gangs Took Central America," *Foreign Affairs* 84 (3) (May/Jun 2005).

[54] Michael Shifter, "Countering Criminal Violence in Central America," Council on Foreign Relations, Center for Preventative Action, *Special Report* 64 (April 2012): 6.

homicides are gang related."[55] Data collected by El Salvador's Institute of Legal Medicine attributed only 13.4% of total homicides from 2003 to 2006 to gangs. Again, while data is limited, there were similar findings taken from police statistics in Guatemala during a period when the country experienced an increase in homicide rates.[56] In order to make concrete assessments, more data need to be collected and analyzed in a systematic manner, but the existing data suggest that gangs, while contributors, are not the primary agents of intentional homicides. The point is not to minimalize the homicides by gang members, but to show statistically that homicides by gang members represent a smaller portion of the overall homicide rates. According to the United Nations Office on Drugs and Crime data, the average rate for El Salvador between 2005-2010 has been approximately 62 homicides per 100,000 people. Fifteen percent of this rate is approximately 9 homicides per 100,000 people. This is still almost double the number of homicides in the United States, which averages 5 homicides per 100,000.

These distinctions described bear relevance to the primary question posed in this research in trying to determine why El Salvador has consistently had higher violent criminal rates and homicides than Guatemala. It is not likely that the reason for El Salvador's consistently higher violent crime rates is due to the factor that they have a higher percentage of gang members in their population than Guatemala.

2. Defining Drug Trafficking

The presence of drug traffickers is a major contributor to violent crimes in Central America. Due to its geographic location, porous borders, and lax law enforcement and judiciary institutions, the Central American corridor has become the preferred route for drug trafficking networks transiting drugs from South America to the United States.[57] The term drug trafficking, a type of organized crime, and drug trafficking networks as used in this research refers to traffickers engaged in the transnational logistical network

[55] World Bank, Latin America and the Caribbean Region, "Crime and Violence in Central America: A Developmental Challenge," (2011), ii.

[56] World Bank, Latin America and the Caribbean Region, "Crime and Violence in Central America," 15–16.

[57] World Bank, Latin America and the Caribbean Region, "Crime and Violence in Central America, 12.

that transits illegal drugs from source to supply zones. Gangs in both El Salvador and Guatemala have been known to sell drugs locally within their respective communities and are also users of illegal drugs, but they are not viewed as being a critical part of the larger, structured organized crime of drug trafficking.[58]

Studies have shown distinct correlations between drug trafficking and violent crime rates, particularly in Guatemala. A 2007 UNODC report found that highest murder rates in Guatemala are in the Escuintla, Peten, and Izbal provinces. Each of these provinces has murder rates higher than the most urban and populated province of Guatemala. The report notes that "Izabal and Peten are about 70% rural, and all three high-violence provinces have been implicated in drug trafficking.[59] In addition, large indigenous populated provinces tend to have lower violent death rates as well.[60] A 2011 World Bank report sited similar data from a study by Cuevas and Demombynes, which used econometric models to analyze crime levels. The study revealed, "drug trafficking is an important driver of homicide rates. Within any one country, controlling for other factors, drug-trafficking hotspots have murder rates more than double those in areas of low trafficking intensity.[61] In recent years, due to increased pressure from Mexican security forces Mexican drug cartels, specifically the Los Zetas, have reportedly expanded their operations into northern Guatemala, a less secure and more permissive environment.[62] This expansion of operations has contributed to Guatemala's overall homicide rates.

The World Bank has cited several reasons for the correlation between drug trafficking networks and their use of violence. The organizations are illegal businesses operating on the black market and there is no judiciary system to settle disputes between

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[58] UNODC, "2011 Global Study on Homicide: Trends, Contexts, Data," (2011), 53.

[59] UNODC, "Crime and Development in Central America: Caught in the Crossfire," (May 2007), 55.

[60] UNODC, "Crime and Development in Central America," 55.

[61] World Bank, Latin America and the Caribbean Region, "Crime and Violence in Central America: A Developmental Challenge," 21.

[62] Jason Beaubien, "Mexican Cartels Spread Violence to Central America," *National Public Radio*, May 30, 2011, http://www.npr.org/2011/05/30/136690257/mexican-cartels-spread-violence-to-central-america.

organizations, and violence is often used as a "disciplinary tool" or to settle disagreements. Additionally, competition over markets, trafficking routes, and territory also spur violence.[63]

Similar to Guatemala, provinces known for drug trafficking in El Salvador have higher homicide rates than the more urban areas where gangs are present. According to UNDOC report, in 2005, "La Libertad and Sonsonate, two of the best developed provinces, show higher murder rates than San Salvador, the most urbanized province. These two provinces host the only major ports on the Pacific coast near the border with Guatemala and are connected to the Pan American Highway, both conduits for drug flows."[64]

Drug traffickers usually seek the most permissive environments, the lack of security presence in these rural areas make it an attractive environment for their operations, and likely leads to the increased homicide rates in these provinces. Guatemala has more rural areas than El Salvador. Additionally, to be discussed in more detail in Chapter 3, Guatemala has less state security forces, than El Salvador. Most literature from academics and international and law enforcement agencies, point to Guatemala as being a more prominent country for drug trafficking than El Salvador. The 2011 World Drug Report lists Guatemala as the one of the highest ranking (number 15) countries for cocaine seizures. In 2009, it seized 6.9 metric tons.[65] During the same year, El Salvador seized approximately 4 metric tons.[66] It also highlights that in 2008 and in 2009 Guatemala had extremely high cannabis plant seizures, 10.8 million and 4.3 million, respectively.[67] The 2011 World Drug Report does not provide specific data for El Salvador, but a 2012 INCSR report states that El Salvadoran Civilian National

[63] World Bank, Latin America and the Caribbean Region, "Crime and Violence in Central America: A Developmental Challenge," (2011), 16.

[64] UNODC, "Crime and Development in Central America: Caught in the Crossfire," (May 2007), 54.

[65] UNODC, World Drug Report (2011), 116.

[66] International Narcotics Control Strategy Report, "Volume 1: Drug and Chemical Control," (March 2012), 15.

[67] UNODC, World Drug Report (2011), 158–159.

Police (PNC) seized 1 metric ton of cannabis in 2011.[68] The 2011 World Drug Report also listed Guatemala as a main manufacturer of ecstasy and pseudoephedrine.[69] The lack of drug seizures in El Salvador does not provide confirmation on the absence or scarcity of drug trafficking activity; however, it suggests that Guatemala has more of problems with drug traffickers when compared to El Salvador.

If, as the data suggests, drug trafficking is more prevalent in Guatemala, than in El Salvador, and the available data on homicides depict cities and provinces known for drug trafficking to be more violent and deadly than those with gangs, the likely conclusion is that Guatemala would be more deadly than El Salvador. However, this is not the case. This helps to eliminate drug trafficking as a reason for consistently higher homicides rates in El Salvador.

3. Defining Organized Crime

While drug trafficking is a major type of organized criminal activity, there are other types of organized crime that exists separate from the illegal drug industry. Organized crime syndicates and networks are profit-driven organizations.[70] They are often transnational in nature and include illegal activities such as weapons trafficking, trafficking in persons, smuggling migrants, kidnapping, and money laundering. A major problem in how organized crime fuels violence in the Central America is how it undermines government and law enforcement institutions and fosters corruption. Due to the illicit nature, similar to drug trafficking networks, organized crime syndicates use violence to intimidate, settle disputes, and to keep their activities clandestine.

Guatemala has a serious problem with organized crime. Reportedly, organized criminal syndicates have contacts and agents operating with law enforcement, the judicial system, and national legislature. Corruption is rampant throughout these state institutions. In 2007, WOLA Program Director Geoff Thale stated, “nowhere in Central America are

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[68] International Narcotics Control Strategy Report (INCS), “Volume 1: Drug and Chemical Control,” (March 2012), 214.

[69] UNODC, “World Drug Report,” (2011), 151, 167.

[70] UNODC, “Organized Crime,” (2012), www.unodc.org/unodc/en/organized-crime/index.html.

the problems of organized crime and drug trafficking more evident than in Guatemala."[71] Due to problems with high levels of corruption and the legitimate fear by prosecutors to enforce the law and seek justice, at the request of the Government of Guatemala the United Nations formed an International Commission against Impunity In Guatemala (CICIG), to investigate illegal security groups and clandestine activity within Guatemala.[72] The request for an external, international organization to intervene to root out corruption and apply the law is an indicator of how deeply organized crime has penetrated the state.

It is unknown exactly how many homicides per year can be contributed to the activities of organized crime. These figures are often lumped together with those caused by drug trafficking organizations making it difficult to separate the two. However, it is apparent that it is a critical problem that hinders public security in Guatemala.

El Salvador also has its problems with organized crime. In addition to the drug traffickers operating in country, the state has problems with money laundering, weapons trafficking, and human smuggling.[73] However, the literature and discussion of organized crime El Salvador is not as widely discussed or thought to be as deeply rooted as it is in Guatemala.

B. ANALYSIS AND CONCLUSIONS

Gangs, drug trafficking, and organized crime each contribute to violent crime rates in Guatemala and El Salvador. Obtaining concrete data to better analyze the situations in these countries remain problematic, however the current data suggests that drug trafficking presents the bigger threat than street gangs. Gangs are a serious problem in these countries, but the data suggests that they have been erroneously blamed and used as a scapegoat as the leading reasons for increased homicide rates in Central America. According to the statistics, drug trafficking and organized crime are a larger threat to

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[71] *Violence in Central America*, Congressional Briefing. 110th Cong. 1 (June 26, 2007), 54.

[72] United Nations, Political Affairs Department, "CICIG: Leaving its Imprint in Guatemala," (February 2012), http://www.un.org/wcm/content/site/undpa/main/activities_by_region/americas/cicig.

[73] Douglas Farau, "Organized Crime in El Salvador: The Homegrown and Transnational Dimensions," *Woodrow Wilson International Center for Scholars* (February 2011), 3–4, http://wilsoncenter.net/sites/default/files/Farah.FIN1.pdf.

human life, proving that some criminal activity is more deadly than others. In comparing the types of criminal activity most prevalent in El Salvador to what is prevalent in Guatemala, Guatemala should in all likelihood have higher homicide rates, but it does not. Through examining this data it helps to eliminate "type of crime" as a reason for higher El Salvadoran homicide rates. The next chapter will examine the competency, training, and effectiveness of the law enforcement to maintain security within each state.

III. A LOOK AT SECURITY INSTITUTION CAPACITY AND EFFECTIVENESS IN EL SALVADOR AND GUATEMALA

A. THE IMPORTANCE OF INSTITUTIONS

Institutional theory in political science leads us to reason that a state with strong, stable institutions is better able to govern and maintain political and public order within its society. The application of this theory and reasoning is frequently applied in reconstruction and peacekeeping efforts by international organizations and coalitions in the aftermath of post-conflict situations, specifically in war torn states in which the pre-existing government institutions have collapsed or in which the government and security forces are blamed for committing severe human rights abuses during civil conflicts. One of the main focal points of reconstruction becomes establishing legitimate government institutions.[74] The idea is that legitimate institutions would lead to a stable, functioning government and maintain order within society.[75] The application of this concept has been repeated in numerous post-conflict situations. From state reconstruction after World War II during the late-1940s to reestablishing government organizations and institutions in post-war Iraq in the 2000s, there has been an emphasis on rebuilding institutions in post-conflict situations. A 2007 Organization for Economic and Development (OECD) guideline titled Principles for Good International Engagement in Fragile States and Situations, states the "long-term vision for international engagement in fragile states is to help national reformers to build effective, legitimate and resilient state institutions, capable of engaging productively with their people to promote sustained development."[76] In theory and application, state institutions are important. A solid institution, whether political, economic, or public, establishes operating norms and principles, creates an

[74] Marina Ottway, "Rebuilding State Institutions in Collapsed States," *Development and Change* 33(5) (2002): 1001.

[75] Samuel P. Huntington, Political Order in Changing Societies (New Haven and London: Yale University Press, 1968).

[76] Organization for Economic Cooperation and Development, "Principles for Good International Engagement in Fragile States and Situations," (April 2007), www.oecd.org/dataoecd/61/45/38368714.pdf.

organizational structure, formalizes procedures, sets the rules for conducting business, develops legitimacy with the people and the government, and exerts influence in a society.

Conventional wisdom leads to reason that states with more capable or stronger institutions, specifically security and judicial institutions are better poised to maintain public security and protect citizen's rights than states with weaker, lesser-equipped institutions. However, while the Salvadoran peace process and implementation of institutional security reform was more successful than Guatemala, El Salvador's post-war security sector has been less successful at preventing violent deaths within its society. Notably, the United Nations' work in El Salvador has been recognized as one of its most effective post-conflict operations.[77] Specific to the implementation of domestic security reform, the United Nations views it as "the most far-reaching and important public security reform in Latin America."[78] Contrary to El Salvador, the Guatemalan peace accord for security was "superficially sweeping in its scope, was not specific enough to provide an operational framework for substantive reforms and for evaluation of reforms by the United Nations."[79] An interesting point is how Guatemala's peace accords were finalized four years after El Salvador, but the United Nations and international community provided less scrutiny and more leeway in the Guatemalan process, despite Guatemala's civil war lasting three times longer and resulting in two and a half times more deaths. Overall, El Salvador's post-war security and judicial institutions emerged better off than Guatemala. Today it possesses a stronger, more capable domestic security force.

Reforming the existing security institutions and establishing new ones was as a critical part of the peace process and post-war reconstruction in both El Salvador and Guatemala. This chapter analyzes the specific peace accords, which created a new civilian national police force in both countries, and describes the transition and progress

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[77] Charles T. Call, "Democratisation, War and State-Building: Constructing the Rule of Law in El Salvador," *Journal of Latin American Studies* 35(4) (November 2003): 830.

[78] Charles T. Call, "Democratisation, War and State-Building," 829.

[79] William Stanley, "Building new police forces in El Salvador and Guatemala: Learning and Counter Learning" *International Peacekeeping* 6(4) (January 1999): 125.

each country has made since the civil wars. It agrees with scholars, theorists, and international organizations on the importance of reforming or building legitimate security and judicial institutions, particularly in post-war situations. However, the case of post-war El Salvador and Guatemala seems to challenge the reasoning that stronger, consolidated domestic security institutions would translate into a safer society with fewer homicides. Yet, a careful analysis of the police forces in El Salvador and Guatemala and the corresponding post-war homicide rates over the last fifteen years provide proof to this claim. After El Salvador's new police force was fully deployed in the 1990s, homicide rates began to decline. In contrast, Guatemala's homicide rates were marked by a small, but steady increase.[80] Leading one to reason there must be other factors impacting the state's ability to combat crime. The next chapter discusses the factors which have impacted security force effectiveness in El Salvador, but first this chapter lays the groundwork and explains the conditions under which the new institutions emerged and how they were developed.

B. GUATEMALA

1. Peace Process and the Establishment of the PNC

Guatemala's thirty-six year civil war between the government and guerilla forces, which stemmed tensions between social classes, came to an end by the signing of the final peace accord in December 1996. The entire peace agreement consisted of six major accords. The Framework Accord for the Resumption of the Negotiation Process established the United Nations as the lead mediator for negotiations and established the terms for peace process was signed in January 1994. In the 1980s, human rights violations, particularly against the indigenous populations, peaked to genocidal levels.[81] The Comprehensive Accord on Human Rights, effective immediately, was signed in March 1994. This accord was critical in allowing the United Nations to send a verification delegation into the country. Both the government and the Guatemalan National Revolutionary Unity (URNG), the umbrella group of guerilla forces, agreed to

[80] See UNODC Intentional Homicide rates by country and year.

[81] Beatriz Manz, "The Continuum of Violence in Post-War Guatemala," *Social Analysis* 52(2) (Summer 2008): 151.

uphold human rights as outlined in the state constitution. As historian, Susanne Jonas, notes the human rights accord did not eliminate human violations nor did it curve impunity, but what it did do was provide greater international attention to the domestic situation. It had a "dissuasive impact."[82] The next major accord to be signed was the June 1994 Resettlement of Population Groups Uprooted by Armed Conflict. It addressed resettlement plans for refugees and displaced persons to return to Guatemala after the war. The June 1994 Historical Clarification Commission accord was created to investigate and document activities that occurred up until the present time and provide recommendations on the best steps to take towards reconciliation. Unlike the El Salvadoran equivalent (Truth Commission), it did not "name names" or assign responsibilities and there were no recommended judicial consequences for those found guilty of committing criminal acts or human rights abuses. [83] The Identity and Rights of Indigenous Peoples Accord of March 1995 was instrumental in achieving national recognition of the indigenous population within Guatemala and granting them with civil and cultural rights. The next accord to be signed, the Social and Economic Aspects and Agrarian Situation, completed in May 1996 outlined steps to improve social and economic development throughout all sectors of the population, particularly those sectors that had been neglected. It prompted the government to spend more on social services such as education, health, and also outlined steps for limited land reform.

The last major accord, the Strengthening of Civilian Power and Role of the Armed Forces in a Democratic Society (Demilitarization Accord), signed in September 1996 was arguably the most important. It set the stage for a major transition within the Guatemalan state. It redefined the role and functions of the armed forces, removing it from a political, domestic security and intelligence role and limiting it to territorial defense.[84] It is important to recognize the extent to which the military had previously dominated Guatemalan politics and society to fully understand the potential impact the

[82] Susanne Jonas, *Of Centaurs and Doves: The Guatemalan Peace Process* (Boulder: Westview Press, 2000), 47–48, 71–72.

[83] Jonas, *Of Centaurs and* Doves, 74–75.

[84] Jonas, *Of Centaurs and Doves*, 78–82.

accord would have in transforming the internal security structure of the state. It is equally important to be aware of the impact the military's domestic security role had on society, particularly with indigenous populations, to understand why it was important for the post-war police forces consist of newly trained civilians.

For most of the twentieth century the military had been a dominant player in Guatemalan politics and society. For a combined period of fifty-eight years during the twentieth century, military governments had ruled in Guatemala. This was more years than any other country in Latin America.[85] The military had obtained the presidency through various means, to include coup d'états, by running for office in democratic elections, and through selection by appointment during transition periods. Even through regime changes—dictatorship to authoritarianism to democracy—the military continued to yield considerable political influence. As an institution, the military was one of the most powerful organizations in the country.

Among its Central American neighbors, Guatemalan citizens endured the longest, deadliest, and most brutal civil war. An estimated 200,000 civilians were killed, 1.5 million displaced, and thousands disappeared. The majority of violence and brutality was inflicted on the Mayan and indigenous population in rural areas, and it reached genocide levels in the early 1980s.[86] During the civil war, the government of Guatemala allotted the military with increased authority and latitude to repress and defeat leftist guerilla groups. The government and the majority of the business elite sector supported increased military control and authority because it protected their bureaucratic and economic interests.[87] An official post-war investigation into human rights abuses by the Archbishop's Human Rights Office attributed over 85% of war crimes to the Guatemalan army and associated paramilitary forces.[88] These factors made demilitarization and the

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[85] Facultad Latinoamericana de Ciencias Sociales, "Report on the Security Sector in Latin America and the Caribbean," (August 2007), 13.

[86] Beatriz Manz, "The Continuum of Violence in Post-War Guatemala," *Social Analysis* 52(2) (Summer 2008): 152.

[87] Jeffrey Weaver, "Political Style of the Guatemalan Military Elite," *Studies in Comparative International Development* 5(4) (1969/1970): 64–66.

[88] Susanne Jonas, *Of Centaurs and Doves: Guatemala's Peace Process* (Boulder: Westview Press, 2000), 146.

subjection of the military to civilian leadership a critical component of the post war peace process.[89] It set the stage for a new chapter to be written in Guatemalan civil-military relations. In addition to a change in constitution to limit the armed forces' role to external defense, specifics of the Strengthening of Civilian Power and Role of the Armed Forces in a Democratic Society Accord included:

- Disbanding of rural forces under military control (specifically, the Mobile Military Police and the Voluntary Civil Defense Committees).
- Creation of a new police force, the National Civilian Police (PNC), under authority of the Public Ministry, to replace the existing National Police and other specialized forces.
- Increasing the number of police from 12,000 to 20,000 within three years, along with significant salary increases.
- Participation of local communities in the recruitment and selection of personnel, such that the PNC would reflect the diversity of Guatemalan society
- Establishment of laws to regulate private security firms and place control of arms possession under police authority
- Establishment of a civilian intelligence department in the Ministry of Interior, and creation of congressional oversight mechanisms for all intelligence agencies.
- Creation of commissions to study the country's system for the administration of justice and make recommendations for its modernization.[90]

The demilitarization accord has been described as the cornerstone of the entire peace process.[91] It had the potential to reform and transform the state's security institutions, and it paved the way to shift the military's power, which it had wielded for much of the century, into civilian hands.

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[89] Susanne Jonas, "The Guatemalan Peace Accords," *NACLA Report on the Americas* (May/June 1997).

[90] Douglas Kincaid, "Demilitarization and Security in El Salvador and Guatemala: Convergences of Success and Crisis," *Journal of Interamerican Studies and World Affairs 42(4)*, *Special Issue: Globalization and Democratization in Guatemala* (Winter, 2000): 47.

[91] Susanne Jonas, *Of Centaurs and Doves: Guatemala's Peace Process* (Boulder: Westview Press, 2000), 84.

2. Implementation of the Peace Accords

Despite the hopefulness of what was written in the demilitarization accord, implementation did not occur as anticipated. Overall, the demilitarization accord was only partially successful in Guatemala. While it goes beyond the extent of this section to provide an in depth explanation on the causal factors for this partial success—as the major focus is to examine the outcome in Guatemala in order to compare it to El Salvador—it is important to highlight several factors that derailed full implementation of the accord in order to provide an understanding of the post-war climate in which institutional reform took place.

3. Creation of the New PNC

The initial steps taken by the government of President Alvaro Arzu (1996-2000) to reform the new security situation appeared promising. The new police academy began training new recruits, police salaries increased, the government purchased new equipment for the police force, and there was an increased presence of police forces throughout the country.[92] However, there were several problems as well. In creating the new PNC, the armed forces were supposed to be removed from a domestic security role. However, the language contained in the demilitarization accord allowed government officials a considerable amount of flexibility. This flexibility allowed the system to be manipulated, and resulted in the formation of a substandard force. From his research on post-civil war Guatemala, scholar William Stanley provided a good summary on the recruiting criteria of the new police forces. In an article, he comments that:

> The proposed changes in the police lack crucial details: no standards are set for educational background or other qualities of recruits to the new force; no distinction is made in the amount of training for officers as distinct from basic recruits; no limits are set on the proportion of the new force that can be made up of recycled members of existing police forces; no standards or mechanisms are proposed for vetting former security forces members seeking entry into the new force, in order to eliminate candidates with records of human rights abuses, corruption or criminality;

[92] Orlando Perez, "Democratic Legitimacy and Public Insecurity: Crime and Democracy in El Salvador and Guatemala," *Political Science Quarterly* 118(4) (Winter 2003/2004,): 631–632.

> no details are included regarding organization or doctrine of the new force, nor of the content of training; no reference is made to internal or external disciplinary mechanisms.[93]

With a history of corruption and human rights abuses, it can easily be argued that Guatemala required a much more detailed plan and more specific guidelines in the creation of its PNC.

The accord defined a four-year timeline for the reforms to be implemented and new institutions established. Within this timeframe it called for the training of 20,000 police members. In efforts to "train" more police officers and meet quotas suggested in the accord, academy standards were lowered and the training pipeline shortened.[94] The government was not simply concerned with appearances, but also with rising crime. During the mid to late-1990s, crime in Central America began to increase drastically. The lack of security in the states recovering from civil wars made the region a ripe, porous environment for illegal activity—illicit trafficking, organized crime, and the formation of gangs. Domestic pressure to respond to the crime also influenced the government's decisions to push new police officers through the system. As an additional consequence, or perhaps excuse, old police officers and soldiers, from the civil war period, remained in the "new" civilian police, and many were not re-trained to the new standards.[95] The police force did not reach the proficiency levels as outlined in the accords.

4. Armed Force Reduction

The language outlined in the accord left substantial flexibility and loopholes for old practices to continue. A stipulation in the demilitarization accord called for a reduction in the armed forces by one-third its standing force size. Within a year, the military complied with this stipulation reducing its force structure from 46,900 to 31,423

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[93] William Stanley, "Building new police forces in El Salvador and Guatemala: Learning and Counter Learning," *International Peacekeeping* 6(4) (January 1999): 125.

[94] Stanley, "Building new police forces in El Salvador and Guatemala," 124.

[95] Raul Molina Mejia, "The Struggle Against Impunity in Guatemala," *Social Justice* 26(4) (Winter 1999): 65.

members.[96] In the years following, further reductions were made and the force structure decreased to approximately 15,500 in the early 2000s.[97] Yet, the majority of cuts were made at the lower levels of the rank structure and by stopping recruitment efforts. The accords did not specify how and where the cuts were to be made, which allowed senior officials flexibility.[98] So while the military "returned to the barracks" the senior rank structure remained intact.[99] Additionally, military personnel were not fully purged from its role of policing functions.

5. Resistance and Impunity

Of note, the resistance of right-wing government officials, and former military members to fully embrace the language in the accords posed a major obstacle to security reform. Impunity was (and remains) a major factor. Some of the most senior officials suspected of human rights abuses and criminal activity during the civil war period remain in the government, military, and in the political arena today. A prime example is General Rios Montt, president of Guatemala from 1982–1983, when a large number of military-led massacres took place on Mayan villages. He has remained in Guatemalan politics since the civil war, and because he was a congressman, he has been shielded with impunity. Remarkably in 2003, Montt was cleared to run for the presidential office by the Guatemalan courts.[100] In January 2012, he stepped down from the Guatemalan congress, and was finally ordered to stand trial for genocide and other crimes committed during the civil war.[101]

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[96] J. Mark Ruhl, "Curbing Central America's Militaries," *Journal of Democracy* 15(3) (July 2004): 60–62.

[97] United States Department of State, Bureau of Western Hemisphere Affairs, *Background Note: Guatemala* (January 2012), http://www.state.gov/r/pa/ei/bgn/2045.htm#defense.

[98] Susanne Jonas, *Of Centaurs and Doves: Guatemala's Peace Process* (Boulder: Westview Press, 2000), 146–147.

[99] Mejia, "The Struggle Against Impunity in Guatemala," 65.

[100] Duncan Campbell, *The Guardian*, "Ex-dictator Runs for President," July 18, 2003, http://www.guardian.co.uk/world/2003/jul/19/duncancampbell.

[101] Elizabeth Malkin, "Accused of Atrocities, Guatemala's Ex-Dictator Chooses Silence," *The New York Times*, January 26, 2012, http://www.nytimes.com/2012/01/27/world/americas/efrain-rios-montt-accused-of-atrocities-in-guatemala.html.

A factor that significantly weakened the effectiveness of the peace accords was the failure of the citizens to approve the accords and incorporate it into constitutional law. This failure essentially, allowed the accords to become recommendations as opposed to requirements. The civil war concluded in December 1996, and provided a four-year timeframe for implementation. The reforms outlined in the negotiated accords were to first be approved by the Guatemalan Congress and later voted on by the citizens of Guatemala in a referendum. Despite the call for change by the majority of citizens, when it came time to vote, there was only an 18% turnout among registered voters, and the referendum was not passed.[102] The low voter turnout has been attributed to manipulation by elite right wing politicians within the government.[103] In describing the significance of the constitutional reforms, Jonas states the "reforms were the linchpin of the entire peace process…[they] could unblock, assure, and consolidate change in the most crucial areas of the accords."[104] The proposed constitutional referendum was critical to limiting the armed forces role to external defense only. Unfortunately, the reform process was "hijacked" and the military was able to maintain many of its pre-civil war roles, and the government was able to avoid legal accountability for instituting proposed reforms.

C. EL SALVADOR

1. Peace Process and the Establishment of the PNC

El Salvador's civil war, which began in 1980 as a result of political and economic tensions, lasted for a decade before the United Nations intervened to begin peace negotiations between government forces and the Farabundo Marti National Liberation Front (FMLN). The two sides had reached a stalemate. It resulted in an estimated 75,000 deaths and over 1.5 million people being displaced, the majority of whom fled the country. Negotiations concluded and the civil war ended with the signing of the

[102] Raul Molina Mejia, "Guatemala's Tenuous Peace," *NACLA Report on the Americas* 33(1) (July/August 1999): 4,48.

[103] Mejia, "Guatemala's Tenuous Peace," 4, 48.

[104] Susanne Jonas, *Of Centaurs and Doves: Guatemala's Peace Process* (Boulder: Westview Press, 2000), 189.

Chapultepec Accords in 1992.[105] United Nations involvement "played an unprecedented and critical role in peace-building in El Salvador, verifying the implementation of the peace accords, contributing to institution building, and mediating to overcome a number of significant crisis that arose during implementation."[106] Stanley notes the United Nations and international community provided greater scrutiny and particulars in the creation of the El Salvadoran National Civilian Police force than it applied in Guatemala.[107] The majority of the Peace accord focused on transforming the security institutions within the state. Highlights included the establishment of the FMLN as a legitimate political party, the creation of a new National Police Force, a constitutional change that redefined and reorganized the role of the armed forces to focus on defense of state sovereignty, and an outline for new security and judicial policies. Unlike the Guatemalan experience to commence two years later, the Salvadoran accords have been praised the on the level of detail and scrutiny applied towards the building of new state security institutions.[108] Scholars and analysts praise the United Nations peacekeeping and institution-building efforts in El Salvador. An example comes from analysis by scholars, William Stanley and David Holiday. They state, "Of the UN's internal peacemaking efforts since the end of the Cold War, its work in El Salvador stands out as the most unambiguously successful."[109] This contrasts with the implementation of the peace process in Guatemala, which was more lax and less scrutinized.

The Salvadoran peace accords consisted of three major agreements between the FMLN and the government. The Human Rights Accord was first to be signed in July 1990. It allowed the United Nations to send a verification mission into country, the United Nations Verification Mission in El Salvador (ONUSAL), to monitor fighting. The

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[105] Margarita Studemeister, ed., United States Institute of Peace, "El Salvador: Implementation of the Peace Accords," *Peaceworks* 38 (January 2001).

[106] Studemeister, "El Salvador: Implementation of the Peace Accords," 8.

[107] William Stanley, "Building new police forces in El Salvador and Guatemala: Learning and Counter Learning," *International Peacekeeping* 6(4) (January 1999): 114.

[108] Charles T. Call, "Democratisation, Ware and State-Building: Constructing the Rule of Law in El Salvador," *Journal of Latin American Studies* 35(4) (November 2003): 831–832.

[109] William Stanley and David Holiday, "Peace Mission Strategy and Domestic Actors: UN Mediation, Verification and Institution-building in El Salvador," *International Peacekeeping* 4(2) (1997), 22.

next major accord signed in April 1991 was the Commission on Truth for El Salvador that established a commission mandated to investigate serious acts of violence from the beginning of the conflict to present and to provide recommendations for national reconciliation. In addition, the commission was to recommend legal, political, and administrative actions to be taken based upon its findings.[110] The third agreement to be signed was the New York Agreement and Compressed Negotiations signed in September 1991. This last agreement was critical to ending the civil war. It established a Commission for the Consolidation of Peace (COPAZ), which would be responsible for verifying the implementation of the political agreements. It reduced force size and redefined the role of the armed forces to the defense of sovereign territory, disbanded the National Guard and the Treasury Police, and created a new National Civilian Police (PNC) to be in charge of public security. Of note, it also specified new training requirements and standards for both the armed forces and the new PNC. Both sides also agreed to a purification process to be carried out by a newly created Ad Hoc Commission. This commission would investigate and review the performance of members of the armed forces, and make legal and administrative recommendations as to whether or not these service members were suitable continue service in the armed forces in the new democracy. It also addressed socioeconomic issues, such as land reform.[111] The New York Agreement and Compressed Negotiations was the key agreement to establish and redefine the security institutions in El Salvador.

2. Implementation of the Peace Accords

Although El Salvador's government pushed back on the several of the prescribed institutional reforms, there was eventually a general acceptance of the framework to transform the security and intelligence organizations.

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[110] "El Salvador: Mexico Peace Agreements—Provisions creating the Commission on Truth," (April 27, 1991), reprinted in *Transitional Justice: How Emerging Democracies Reckon with Former Regimes, Volume 3: Laws, Rulings, and Reports*, ed. by Neil Kritz (Washington, DC: United States Institute of Peace, 1995), 174–179.

[111] United Nations Blue Books Series, *Volume IV: The United Nations and El Salvador 1990-1995* (New York: United Nations, Department of Public Information, 1995), 193–198. Digitized in United States Institute of Peace Library, Peace Agreements Digital Collection, "El Salvador: Peace Agreement", http://www.usip.org/files/file/resources/collections/peace_agreements/pa_es_01161992.pdf.

3. Creation of the New PNC

The new police force was to include an equal combination of former police officers and FMLN guerrillas, 20% each, as well as new civilian recruits. All members of the new force were to undergo training at the new National Academy of Public Security.[112] While the training and equipping of the new police forces moved slowly at first, increased criminal activity throughout Central America in the 1990s prompted the Armando Sol administration (President of El Salvador 1994–1999) to expedite fulfillment of the mandate.[113] The activation of the new police forces did not take place without issues. The force as a whole has had to deal with crime and corruption among its members, and there have been reports of human rights abuses as well. However, overall it has been noted to operate at a much higher standard than the previous police forces, and has gone to the extent of arresting top-ranking officers that have been caught committing crimes.[114] Scholar William Stanley, who has researched and written extensively on El Salvador civil war and post-war transition, provides a good summary on the outcome of the newly created institutions in noting that, "although the PNC's performance was imperfect, particularly in the face of a massive post-ware crime wave, it was far more efficient, responsive, transparent, and accountable than the old police."[115]

4. Armed Forces Reduction

Similar to the creation of the PNC, the military also fulfilled its post-war requirements. Prior to the civil war, El Salvador had experienced almost fifty years of direct military rule. The armed forces had dominated politics, society, and internal security.[116] Its permeation and operations in society increased during the civil war. The armed forces committed severe human rights abuses to include large-scale massacres of

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[112] Orlando Perez, "Democratic Legitimacy and Public Insecurity: Crime and Democracy in El Salvador and Guatemala," *Political Science Quarterly* 118(4) (Winter 2003/2004): 630.

[113] William Stanley, "El Salvador: State-building before and after Democratisation, 1980–95," *Third World Quarterly* 27(1) (2006): 110–111.

[114] Orlando Perez, "Democratic Legitimacy," 631.

[115] William Stanley, "El Salvador: state-building before and after Democratisation, 1980–95," 111.

[116] Knut Walter and Philip Williams, "The Military and Democratization in El Salvador," *Journal of Interamerican Studies and World Affairs* 35(1) (Spring 1993): 40.

unarmed civilians.[117] From their investigations the Ad Hoc Commission recommended the discharge of 103 officers, many who were in the High Command. While there was some resistance by the government, the armed forces eventually complied. "Military officers, while apparently unrepentant about the human rights abuses committed by the army, generally seem to have accepted the new doctrine and the limited role of the armed forces as defined in the peace accords." [118] The military relinquished its political role, and it even reduced its force size ahead of the agreed upon timeline. Overall, the peace negotiations were successful in transforming the military as an institution. However, the executive branch reserves the ability to call upon the military to support the PNC when it deems there is a national emergency that the PNC cannot handle alone.

While most international organizations and scholarly literature reference the Salvadoran peace process as being successful, to be balanced, there are several criticisms worth noting. Most criticisms point to the failure of the accords to significantly address the socio-economic causes of the civil war. Poverty and inequality still plague the state today, and the government is criticized for not doing enough to address these economic problems.[119] In terms of security reform, on several instances it took ONUSAL pressure to get the government to comply with new PNC criteria. For example, the Special Investigative Unit and the Anti-Narcotics units were left intact after the civil war and allowed to become branches of the new PNC. These old members were supposed to go through training, but in many instances members circumvented the training requirements. As a result, corruption and old practices began to expand into the PNC. In 1994, the government finally responded to ONUSAL pressure to reform these forces.[120] In addition, similar to the Guatemalan PNC, the Salvadoran PNC has also been accused of human rights abuses. Another criticism of the security reform process has been the role of

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[117] Stanley, "El Salvador: State-building before and after Democratization," 102.

[118] Margarita Studemeister, editor, United States Institute of Peace, "El Salvador: Implementation of the Peace Accords," *Peaceworks* 38 (January 2001): 11.

[119] Ronald Paris, "Peacebuilding in Central America: Reproducing the Sources of Conflict?," *International Peacekeeping* 19(4) (Winter 2002): 51–52.

[120] William Stanley and David Holiday, "Peace Mission Strategy and Domestic Actors: UN mediation, verification and institution-building in El Salvador," *International Peacekeeping* 4(2) (Summer 1997): 29–30.

the military in domestic security. Demilitarization was a major part of the peace accords. Yet increased crime rates have prompted several Presidential administrations to use the military to support the PNC in law enforcement functions.[121]

D. PRESENT STATE OF SECURITY FORCES IN GUATEMALA AND EL SALVADOR

There are several similarities in the Salvadoran and Guatemalan cases. In both pre-war El Salvador and pre-war Guatemala, the military dominated politics and was the primary enforcer of public security. The negotiated peace accords in both states created new democracies and the opportunity for significant transformation. Of main concern to this case study, it created civilian national police forces to assume the internal security function, and it limited the military's primary role to defense of the respective sovereign territory. In establishing the new police force structure and standards, there was more oversight, stricter recruiting requirements, and better instruction provided at the El Salvadoran National Police Academy. The security building transformation process for Guatemala was less detailed, received lesser oversight, and was not implemented to the degree as seen in El Salvador. The creation of the Salvadoran PNC did not occur without complication, but the overall outcome was positive. The point is not to criticize the United Nations process in Guatemala, but to highlight the different institutional outcomes in each country.

It has been twenty years since the end of hostilities in El Salvador and sixteen years for Guatemala, and there have been several modifications in their respective police forces. Regional crime waves beginning in the 1990s and continuing through present day have strained state public security institutions. The next chapter will provide an overview of the PNCs performance from the peace process to present date. Recent studies show that El Salvador's police force is still better trained, have greater capabilities, and institutionally stronger than Guatemala's. Of note, it can easily be argued that there is much room for improvement within El Salvador's security institution in terms of

[121] Michael W. Doyle and Nicholas Sambanis, *United Nations Peace Operations: Making War and Building Peace* (Princeton: Princeton University Press, 2006), 208–209.

efficiency and effectiveness when compared to advanced states, such as the United States and much of Western Europe. However, in the regional context of post-civil war states, El Salvador's police force stands out.

The Washington Office on Latin America (WOLA) conducted extensive research, interviews, and analysis on the current state of police forces in Central America. In 2009, the organization published "Protect and Serve? The Status of Police Reform in Central America."[122] Their findings provide current, useful data to measure the current state and capacity of the police forces in El Salvador and Guatemala.

In El Salvador, the police academy is an independent, civilian-led institution and is completely separate from the PNC. Instruction at the policy academy has been modified over the years to incorporate more real-world experiences to balance theoretical instruction. In order to join the El Salvadoran PNC, a recruit must be an El Salvadoran citizen, have completed high school, have no court record, never have been fired for disciplinary reasons from any official government or private institution, not have any tattoos or even scars from tattoos that have been removed, and receive approval from the Background Verification Unit, which was created to verify new recruit information and ensure they met police force requirements. [123]

In Guatemala, the police academy falls underneath the PNC. A 2002 FLASCO report found that only 36% of existing police had graduated from high school, and many of the older police did not complete primary school. Approximately 60% of the police officers serving in the new Guatemalan PNC had served in the old police force.[124] Its police academy almost closed due to an 80% budget cut between 2001–2002. A clear sign that it was not a priority. There is a background verification unit, but it lacks critical resources and staffing. However, the state has since made efforts to improve the quality

[122] Washington Office on Latin America, "Protect and Serve? The Status of Police Reform in Central America," (June 2009), http://www.wola.org/sites/default/files/downloadable/Citizen%20Security/past/WOLA_Policing_Final.pdf.

[123] Washington Office on Latin America, "Protect and Serve," 10–12.

[124] Washington Office on Latin America, "Protect and Serve," 4.

of recruits and quality of education. In order to join the Guatemalan PNC, a new recruit must have graduated from high school and have no criminal record.[125]

The PNCs in both states have had their share of internal problems with misconduct among its members, such as corruption, human rights abuses, and even extra judicial killings. In 2000, the El Salvadoran Inspector General dismissed 10% of the force for misconduct.[126] In Guatemala 20% of the police force was fired between 2004-2005 for misconduct, which included crimes such as corruption, hijackings, drug trafficking, and extortion. A 2007 United Nations report states that, "Guatemala has stood as one of the worst examples of endemic police corruption."[127] Additional comparisons show that El Salvador currently has 362 police per 100,000 citizens while Guatemala has 119 per 100,000 inhabitants.[128] There are five times more private security guards in Guatemala than there are PNC members. This depicts an evident lack of confidence and trust in the PNC.[129]

E. CONCLUSIONS

This chapter has presented that from its post-war creation to present day, the available data, analysis, and research indicate the security institution in El Salvador is much better poised to combat crime, than the security institution in Guatemala. The El Salvador PNC exceeds the Guatemala PNC in recruitment standards, level of education, training, and force size by percentage of population, and budget. In addition, the El Salvadoran PNC is deemed to be less corrupt. From an institutional capacity perspective, as outlined in this chapter, it would appear that El Salvador would be better at violent crime prevention and deterrence, but it is not. Reverting back to the central question for this research, why El Salvador has consistently had higher homicide rates than Guatemala, a lack of state security or police force capacity and capabilities has been

[125] Washington Office on Latin America, "Protect and Serve," 12–13.

[126] Washington Office on Latin America, "Protect and Serve? The Status of Police Reform in Central America," (June 2009), 20.

[127] UNODC, "Crime and Development in Central America: Caught in the Crossfire (May 2007), 31.

[128] UNODC, "Crime and Development in Central America," 31.

[129] The Economist, "The Ever Growing State, Taming Leviathan," March 17, 2011, http://www.economist.com/node/18388864.

eliminated as a causal factor. From a higher level of analysis, it shows that institutional capacity does not guarantee effectiveness and efficiency.

Police forces serve to maintain public order, act as a visible deterrence for crime prevention, and conduct investigations and gather evidence to prosecute criminals once arrested. However, there needs to be effective law and order, an effective police and judicial system. The next chapter will examine the laws, policy, and capacity of the judicial system in El Salvador and Guatemala to determine if they are contributing factors to the high homicide levels in these countries.

IV. MAKING INSTITUTIONAL DECISIONS AND ESTABLISHING POLICY: THE CRITICAL JUNCTURES IN EL SALVADOR AND GUATEMALA

A. TRANSITIONS

Studies have shown post-war transitions such as a regime change or a major shift in the ruling political party can offer a unique opportunity for the establishment of new and reformed institutions. A regime transition opens a unique window in which decisions can be made to set a country on a particular trajectory. Existing organizations and policies can be dismantled and new ones can be created.[130] The previous chapters explained the most common contributors to violent crime rates in post-civil war El Salvador and Guatemala and also described the creation and reformation of their respective state security institutions. This chapter takes the conditions described in the previous two chapters and places them on a time continuum. The signing of the peace accords in both states represented a "critical juncture" for change.[131] El Salvador accords were finalized in 1992 and Guatemala in 1996. An increased crime rate in a post-war situation is common. However, the combination of the following factors created a particularly tenuous public security situation in both countries: a shift in drug trafficking routes, the demobilization of thousands of newly unemployed armed combatants, the deportation and migration of citizens and displaced persons, specifically young males with criminal backgrounds, and the availability of small arms leftover from the war, coincided with a post-war environment in which the previous public security forces were demobilizing.

This thesis presents a two-fold argument. First it argues the decisions made in El Salvador during its post-war transition window caused its security forces to be behind the criminal wave that hit the region, and thus ill-prepared to enforce public security. It agrees with the importance on the establishment and investment in legitimate,

[130] Ruth Berins Collier and David Collier, *Shaping the Political Arena: Critical Junctures, the Labor Movement, and Regime Dynamics in Latin America* (Princeton: Princeton University Press, 1991).

[131] Collier and Collier, *Shaping the Political Arena*, 27.

professional, civilian-led domestic security institutions, but in the case of El Salvador, while the state and international organizations were focused on institution building, society was overtaken by a phenomenal crime wave, and thus it made it increasingly difficult for the newly trained PNC to "play catch up" once deployed. In contrast to El Salvador, Guatemala's old security forces maintained a presence on the streets as they expedited new recruits and cycled existing members through the newly established training pipeline. However, the slow start of the new public security force did not doom the state to a condition of consistently high homicide rates, but subsequent repression policies undertaken by administrations to curb violent crime proved to be counter-productive.

While variation in institution building set the two cases on a different path, in both cases we see social and media forces encouraging *mano dura* type policies to reduce crime and violence. The second part of the argument is that public perception and citizen demands to address high crime rates prompted politicians to undertake repressive measures instead of investing in social and structural issues, which many scholars agree are the actual root causes of the crime.[132] Citizens demanded direct results and these calls for action prompted administrations to invest more resources into short-term, visible tactics and policies instead of longer term, more effective preventive programs. Despite a reformed and more professional public security force than that of the pre-war period, Salvadoran security policies inadvertently attributed to increased homicide rates. Furthermore, the Supreme Court and judiciary branch of the government did not provide the necessary checks and balances on policies that lessened human rights. Instead legal prudence and protection of human rights, gave way to partisan preferences. Recent elections have shown politicians who favor a hard line approach against crime tend to get elected to office.

Like citizens in El Salvador, those in Guatemala also called for government action to combat crime. During the early 2000s, Guatemala, like other Central American states,

[132] Edgardo Alberto Amaya, "Security Policies in El Salvador," in *Public Security and Police Reform in the Americas* ed. by John Bailey and Lucia Dammert (Pittsburgh: University of Pittsburgh Press, 2006), 135.

also sought to decrease criminal activity and engaged in repressive measures. However, after the implementation of these tactics there was a notable increase in homicide rates in both El Salvador and Guatemala. For clarity, the argument is not that lenient security policies and laws will result in a decrease in violent crime rates, but conversely, the evidence has shown that hardline policies only serve to exacerbate the situation. One of the major differences in these two cases is Guatemala's post-war transition began a few years after El Salvador, but it was actually the El Salvadoran police forces that got a late start on combating crime. Although Guatemala had a less detailed and monitored peace accord process and is overall "under-institutionalized," the decision to "push" new recruits through the training pipeline and onto the streets most likely contributed to lower homicide rates in the country. The government's reasons for doing so are not all altruistic, but with a similar crime wave impacting both states during their transition periods, Guatemala's homicide rates were much lower during this critical juncture.

This chapter describes the critical juncture period in both El Salvador and Guatemala and demonstrates how the decisions made during this timeframe impacted their initial ability to prevent crime and also how it impacted the longer-term institutional effectiveness of its police forces. In addition, it discusses the impact mano dura or iron fist type policies have had on crime rates and within society.

B. CRITICAL JUNCTURES

This chapter employs a critical juncture, path dependent framework, common within the tradition of historical institutionalism. In describing regime changes, scholar James Mahoney characterizes a critical juncture as a "choice point when a particular option is adopted from among two or more alternatives," and "once a particular option is selected, it becomes progressively more difficult to return to the initial point when multiple alternatives were still available."[133] He explains how at these critical junctures institutions and institutional arrangements are formulated. Mahoney summarizes his approach as follows,

[133] James Mahoney, "Path-Dependent Explanations of Regime Change: Central America in Comparative Perspective," *Studies in Comparative International Development* 36(1) (2001): 113.

> A path-dependent approach emphasizes how actor choices create institutions at critical moments, how these institutions in turn shape subsequent actor behaviors, and how these actor responses in turn culminate in the development of new institutional patterns.[134]

Using Mahoney's definition as a starting point, the peace negotiation process in each state served as a critical juncture for transforming many of the state's institutions. The military had dominated the security and political arena in each country for several decades, and the establishment of the peace accords created a unique window for change. The creation of these institutions was not left up to domestic actors alone. As described in the previous chapter, the United Nations served as the lead mediator in both countries, and the peace accords were established based on negotiations between the government and insurgent forces. Of particular concern to this argument is the demobilization of old security forces and the creation and deployment of the new Civilian National Police (PNC). The new PNCs would be the primary state institution responsible for maintaining social order and the institution which "provide [d] the basic conditions to make governance possible" in the transition from an authoritarian regime to a democratic one.[135] Because the previous forces were more experienced in political repression instead of crime prevention and investigative techniques, the establishment of a new police academy was a critical component in both peace accords.[136]

Of note, there was resistance to change in the formulation of these new forces in both states. By far, El Salvador's security institutional reformation process was more successful than Guatemala's, but it is not without criticism. As an example it took international pressure in El Salvador to make the government allocate the necessary resources for the new academy. However, the government eventually complied.[137] The El Salvadoran accord called for the demobilization of two-thirds of the existing police forces, and provided a two-year time frame (1992–1994) for the phased deployment of

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[134] Mahoney, "Path-Dependent Explanations on Regime Change," 115.

[135] Jose Miguel Cruz, "Violence, Citizen Insecurity, and Elite Maneuvering in El Salvador," in *Public Security and Police Reform in the Americas* ed. by John Bailey and Lucia Dammert (Pittsburgh: University of Pittsburgh Press, 2006), 150.

[136] Cruz, "Violence, Citizen Insecurity, and Elite Maneuvering in El Salvador," 149.

[137] Cruz, "Violence, Citizen Insecurity, and Elite Maneuvering in El Salvador," 154.

5,940 new police members.[138] As an interim measure, the accords created a CIVPOL organization responsible for monitoring the old police force during the transition phase. Another interim measure was the deployment of Transitory Auxiliary Police (PAT), a cadet force, to previous conflict zones. The first batch of cadets in El Salvador underwent a six-month training program and graduated from the academy in February 1993.[139]

While the accords called for a two-year phased deployment of the PNC, it called for a more immediate, ten-month demobilization of FMLN forces.[140] In addition, the required a 50% reduction of the armed forces was to occur within the same year. This resulted in the demobilization and unemployment of over 60,000 combatants (government and guerilla forces combined).[141] The lack of police forces on the streets coinciding with a large demobilization of forces created a huge gap in public security between 1992 and 1994. Furthermore, approximately 80% of the deployed PNC were newly trained, inexperienced police officers. The accords had a detailed plan for El Salvador, but in hindsight, the interim police force proved to be insufficient to prevent and respond to crime in its early years. The outcome was a huge increase in violent crime. Charles T. Call refers to this specific situation as the "transaction costs of security reform."[142] While the numbers are estimates, reported homicides more than doubled during this time frame, going from 3,229 in 1992 to 7,673 in 1994.[143]

Unlike in El Salvador, Guatemala did not complete stand down of its police force for institution building purposes. This decision had two consequences. In the short term, there was no sharp increase in post-war violence. However, in the long term it missed a critical window to purge the old forces and develop a more professional, better-trained

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[138] William Stanley, "Building new police forces in El Salvador and Guatemala: Learning and Counter learning," *International Peacekeeping* 6(4): 117.

[139] Stanley, "Building new police forces in El Salvador and Guatemala," 113–116.

[140] Charles T. Call, "Assessing El Salvador's Transition from Civil War to Peace," in *Ending Civil Wars: The Implementation of Peace Agreements*, ed. by Stephen J. Stedman, Donald Rothchild, and Elizabeth Cousen (Boulder: Lynne Reinner Publishers, 2002), 394.

[141] Charles T. Call, "Democratisation, War and State-Building: Constructing the Rule of Law in El Salvador," *Journal of Latin American Studies* 35(4) (Nov. 2003): 843.

[142] Charles T. Call, "Democratisation, War and State-Building: Constructing the Rule of Law in El Salvador," *Journal of Latin American Studies* 35(4) (Nov. 2003): 843.

[143] Call, "Democratisation War and State-Building," 839.

forces, which would be better at combating crime over the years. For reasons unknown, the United Nations-led peace accord process for Guatemala was less detailed and contained fewer requirements than what took place in El Salvador, just two years prior. Once completed the accord guidelines for the creation of the new PNC and training academy did not call for the demobilization of existing police forces before the newly trained PNC forces deployed.[144] This was listed as a requirement in the Salvadoran accords. Government officials in Guatemala had the benefit of observing the situation in neighboring El Salvador and learned from it. The incumbent Guatemalan Interior Minister, Rodolfo Mendoza, (1996–2000) noted the "security vacuum" created by police reform in neighboring El Salvador and was convinced that Guatemala should not take the same path.[145] Scholar William Stanley notes Guatemalans learned "they should rapidly deploy the new PNC by recycling existing police, and aim to deploy large numbers in a short period of time."[146] And that is what they did.

In addition, Guatemala shortened the length of time required for training by pushing more recruits through the system at a faster rate. For example, old police members who remained on the force were supposed to go through a 24-week recycling course. In actuality, these old members finished the course in 6 weeks.[147] The government of Guatemala was given four years to train and deploy 20,000 police officers. At this time, this seemed to be a far-reaching goal, but the Alvaro Arzu administration (1996-2000) put forth extreme efforts to meet the time line, and bt1999 there were 17,339 deployed police members. In terms of experience level, over 60% were members of the old National Police force and Treasury Guard. [148] Also of note for Guatemala is that there were fewer demobilized combatants. Similar to El Salvador, crime rates in Guatemala were already high during its civil war, but it did not see the

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[144] William Stanley, "Building new police forces in El Salvador and Guatemala: Learning and Counter learning," *International Peacekeeping* 6(4): 129.

[145] Stanley, "Building new police forces in El Salvador and Guatemala,"128.

[146] Stanley, "Building new police forces in El Salvador and Guatemala," 128.

[147] William Stanley, "Building new police forces in El Salvador and Guatemala: Learning and Counter learning," *International Peacekeeping* 6(4): 126.

[148] Orlando Perez, "Democratic Legitimacy and Public Insecurity," *Political Science Quarterly* 118(4) (Winter 2003/2004): 632.

post-war spike in homicide rates as that which occurred in El Salvador. Police presence alone does not guarantee the absence of violent criminal activity, but in the post-war transition phase the evidence suggests that it acted as deterrence, and kept homicide rates from spiraling out of control.

The post-war demobilization plan, training pipeline for the PNC, and decisions made on the transitional police forces created a critical juncture for both states. The critical juncture set El Salvador on a path to have a more professional security system in the long run, but in the short term it created a security vacuum, and homicides and other crimes increased dramatically. Even after the actions taken during Guatemala's critical juncture of police reform eased the transition

The El Salvadoran police force could not change its demobilization plan and revert back to the use of old security forces once they were dismissed. Even if the government desired to do so, it was monitored by ONUSAL and received pressure from other international agencies to stick with the agreed upon peace accords. Guatemala was fortunate to witness what happened in El Salvador and make decisions to alter its course.

Seven years after the accords, the El Salvadoran PNC reached force strength of 18,000 officers and was successful at creating specialized forces within the organization to handle different types of crime.[149] In terms of training and professionalism, the longer-term effect was that El Salvador's new security forces received better training and were more equipped in terms of resources, but the immediate impact was that it started down a path in which it was chasing high homicide and crime rates. For Guatemala, this juncture produced an opposite effect. More security forces on the streets during the post-war transition helped to contain crime rates, but in the long term its security apparatus has suffered from higher rates of corruption and are less professional and skilled than the El Salvadoran PNC.

[149] Orlando Perez, "Democratic Legitimacy and Public Insecurity," *Political Science Quarterly* 118(4) (Winter 2003/2004): 631.

C. THE FIGHT AGAINST DRUGS AND ORGANIZED CRIME

Guatemala has a major problem with drug trafficking and organized crime and corruption. Several reports point to hidden powers or *grupos clandestinos*, described as criminal-military groups, that operates both within the government and illicit organizations in the state. The Government is ill equipped to confront these organizations. Legitimate law enforcement officers and judges fear death or retaliation if they carry out the law. In 2008, the International Commission Against Impunity in Guatemala, or CICIG) designed by the United Nations at the bequest of the government of Guatemala, became operational in efforts to investigate and assist the Guatemalan officials in prosecuting high level organized criminals and drug traffickers operating within the state. It also has a severe problem with drug trafficking along its northern border, the PNC does not have the institutional capacity (members, resources, equipment) to patrol and defend these zones. The government has called on the military to assist in repelling Mexican drug trafficking organizations operating inside Guatemalan territory.[150]

The El Salvadoran PNC has had an anti-narcotics division (DAN) since its formation, and in 2002 the state adopted a National anti-Drug Strategy, a six-year plan with a focus on the prevention, treatment and illicit trafficking. The El Salvadoran government has partnered with the United States and other states on drug interdiction efforts. Despite the existing data, which reveals higher homicide rates in drug trafficking zones as opposed to urban areas, and the statistics revealing that gang members contribute to a smaller portion of homicides, El Salvador policies and resources to stem violent crime over the years have disproportionally been focused on gangs.

D. COMMONALITIES ACROSS THE CASES

A commonality across both cases was the decision to implement a hardline approach against crime, which specifically targeted and arrested gang members by the hundreds. Another commonality is that in both cases these policies failed, and only

[150] Michael Deibert, "Guatemala's Death Rattle: Drugs vs. Democracy," *World Policy Journal* 25(4) (January 2008): 168–169, 174–175.

served to exacerbate the crime situation. In El Salvador, the demand for action to quell violent crime prompted the government to deploy the military to support the phased deployments of the new police in its domestic security role. The government created joint task groups consisting of army soldiers and PNC members.[151] A couple years after the Salvadoran PNC was fully deployed, homicide rates remained high, but leveled off and then began to decline.[152] Figure 1 is a graphic depiction of the change in homicide rates for both El Salvador and Guatemala in the years following the signing of the respective peace accords. It shows a discernible decline for El Salvador once the PNC deployed, but a slow, but steady rise for Guatemala.

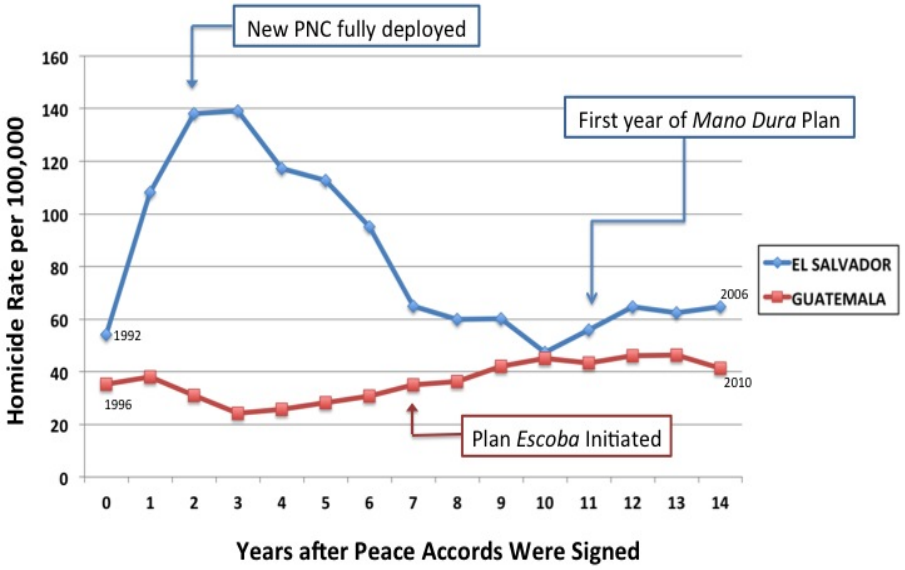

Figure 1. Homicide rates years after Peace Accords were signed (From UNODC Intentional Homicide Rates by Country from 1995–2010. El Salvador data for 1992 to 1994 from "Democratisation, War and State-building: Constructing the Rule of Law in El Salvador"[153])

[151] Edgardo Alberto Amaya, "Security Policies in El Salvador," in *Public Security and Police Reform in the Americas* ed. by John Bailey and Lucia Dammert (Pittsburgh: University of Pittsburgh Press, 2006), 135.

[152] Charles T. Call, "Democratisation, War and State-Building: Constructing the Rule of Law in El Salvador," *Journal of Latin American Studies* 35(4) (Nov. 2003): 841.

[153] Charles T. Call, "Democratisation, War and State-Building: Constructing the Rule of Law in El Salvador," *Journal of Latin American Studies* 35(4) (Nov. 2003): 841

Yet, the public perception of crime and the feelings of vulnerability did not decrease with actual crime rates. This led to a sequence of events within El Salvadoran government and society.

> Real decline notwithstanding, the perception of an increase in crime had a direct effect in the political arena. It led to a combining of security policies with legislative reform that moved toward tougher sentences and broader coercive police powers.[154]

According to Central American University Public Opinion Institute (IUDOP) surveys from 1993–1999 crime was the most pressing issue facing El Salvador.[155] Real and perceived crime became the major topic for the government, politicians and subsequently gained the media spotlight. At the same time, during the mid-to-late 1990s, El Salvador's judicial system began establishing new reforms to protect human rights and provide a more fair and balanced trial system. However these codes received criticism as being "too soft" on crime and as preventing the security forces from performing their duties.[156] Although the statistics on crime revealed that it had decreased, public surveys in the late 1990s revealed an overwhelming majority thought the government needed to pass tougher legislation on crime. Additionally, the majority of the population thought the laws favored criminals.[157] Similarly in Guatemala, a review of 2004 USAID survey results on crime and public insecurity found that, "while perceptions of insecurity are relatively high, actual crime victimization is much lower."[158]

Of note, the media also played a role in both states, contributing to the skewed perception on crime. A USAID study found,

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[154] Edgardo Alberto Amaya, "Security Policies in El Salvador," in *Public Security and Police Reform in the Americas* ed. by John Bailey and Lucia Dammert (Pittsburgh: University of Pittsburgh Press, 2006), "Security Policies in El Salvador,"138.

[155] Call, "Democratisation, War and State-Building," 839.

[156] Amaya, "Security Policies in El Salvador,"136.

[157] Jose Miguel Cruz, "Violence, Citizen Insecurity, and Elite Maneuvering in El Salvador," in *Public Security and Police Reform in the Americas* ed. by John Bailey and Lucia Dammert (Pittsburgh: University of Pittsburgh Press, 2006), 165.

[158] USAID," Central America and Mexico Gang Assessment, Annex 2: Guatemala Profile", April 2006, http://www.usaid.gov/gt/docs/guatemala_profile.pdf.

> Not all violence in Guatemala is considered equally worthy of media attention. The more visible crimes, such as gang violence, receive significantly more media attention than less visible violence such as intra-familial violence…Organized crime, which arguably has much higher-attention than gang violence, the reluctance perhaps being a function of perceived and actual state involvement. This has two important consequences. First, the information the public receives through the print and broadcast media paints an inaccurate picture of violence in Guatemala —one in which gangs are seemingly responsible for a greater proportion of violence than they actually are. The resulting high visibility of gang violence in the public sphere, relative to other types of violence, contributes to high levels of fear and insecurity among citizens. Second, the portrayal of gang violence in the media has the unintended consequence of glamorizing violence to youth not yet in gangs as well as to gang members themselves.[159]

These perceptions played a role in the formation of public security policy. Lack of faith in the security and judicial system coupled with exaggerated perceptions, led to the public outcry to confront crime, and paved the way for more repressive policies and measures from law enforcement. Citizens were willing to give up certain liberties in order to gain increased security.

Another common factor across states is the ineptitude of the justice system to effectively or efficiently process or prosecute citizens arrested for crimes. Neither peace accord provided extensive reform for the judiciary branch of the government. Thus separating the judicial branch from the power of the executive has proven problematic in the post-war state. The United States has aided El Salvador in reforming its legal system, and there have been some successes. There have been some gains in reducing the power of the Supreme Court over the lower courts. These efforts have assisted in making the court system less biased, but the Supreme Court retains the power to select the judges in the lower courts. In the late-1990s, El Salvador shifted to an accusatory system, which gave defendants the right to be heard in a court of law. Previously, judges relied primarily on written evidence to issue rulings on cases.[160] However, when it comes to prosecuting

[159] USAID, "Central America and Mexico Gang Assessment, Annex 2: Guatemala Profile," April 2006, http://www.usaid.gov/gt/docs/guatemala_profile.pdf.

[160] Call, Charles T. Call, "Democratisation, War and State-Building: Constructing the Rule of Law in El Salvador," Journal of Latin American Studies 35(4) (Nov. 2003): 849-851

criminals, the attorney general's office does not have adequate resources or prosecutors to handle the caseloads. In addition, qualified defense attorneys are also lacking.[161] This weakness became prevalent in 2003 when the government introduced the *Mano Dura* Plan. The weak judicial system was not prepared to process the hundreds of suspected criminals.[162] The legal system as an entirety remains inefficient and ill resourced to deal with the high crime rates facing the country.[163]

Guatemala's judicial and legal system has a severe problem with corruption. A UN report states, "the list of examples of judicial and prosecutorial intimidation is seemingly endless."[164] Impunity is a major problem. Judges and prosecutors are commonly bribed or coerced, and some have even resigned in fear for their safety. The same report estimates that murderers have only a 2% chance of being tried for homicide. Recognition of these circumstances prompted the Colom administration to seek external help for the internal corruption problems and the "paralysis in the country's justice system." The International Commission Against Impunity in Guatemala (CICIG) was established in 2008 and has assisted Guatemalan prosecutors in crime investigation and prosecution. CICIG efforts have mainly focused on prosecuting members of large organized crime networks, but it represents a critical step against impunity.[165] Overall, the judicial systems in both countries do not work, and has done little to serve as deterrence against violent crime.

E. ENTER *MANO DURA*

Of note, the human migration of deported illegal immigrants from jails in the United States back to the streets of Central America came shortly after the newly trained

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[161] Charles T. Call, "Democratisation, War and State-Building: Constructing the Rule of Law in El Salvador," *Journal of Latin American Studies* 35(4) (Nov. 2003): 855.

[162] Jose Miguel Cruz, "Violence, Citizen Insecurity, and Elite Maneuvering in El Salvador," in *Public Security and Police Reform in the Americas* ed. by John Bailey and Lucia Dammert (Pittsburgh: University of Pittsburgh Press, 2006), 153.

[163] Call, "Democratisation, War and State-Building," 859.

[164] United Nations Office on Drugs and Crime (UNODC), "Crime and Development in Central America: Caught in the Crossfire," (May 2007), 31–32.

[165] Comisión Internacional contra la Impunidad en Guatemala (CICIG), United Nations, "About CICIG," (2012), http://cicig.org/index.php?page=about.

PNC was deployed in El Salvador, and coincided with the end of the Guatemalan civil war. In the mid-1990s, approximately 40,000 illegal immigrants per year, the majority of whom were young males and members of MS-13 and the 18th Street Gang in the United States, were being sent back to Central America.[166] These migrants presented an additional public security issue for both El Salvador and Guatemala. Neither state had the capacity in terms of social welfare programs, integration programs, educational or employment opportunities to consume these individuals. Overall crime such as petty theft, robberies, property crime, and assault between youth gangs increased dramatically in the late-1990s; however actual homicide rates in El Salvador were decreasing.

This study concentrates specifically on homicide trends, and as referenced in Chapter II, several studies on homicides in both countries revealed that gangs contribute to only a small portion (approximately 15%) of overall homicide rates in both states.[167] Yet, as the public demanded an increased response from the government, these gang members with their tattoos and other identifiers, became public enemy number one in the eyes of the media and was generally blamed for the majority of crimes, to include the high homicide rate. Although, Guatemala's homicide rates were high in international standards, they were significantly lower than El Salvador's, and interestingly the notoriety of the gang phenomena also became a dominant issue within its society as well.

The focus on gangs in El Salvador, Guatemala, and Honduras, led to more repressive measures within the respective states.[168] In the early-2000s, the Francisco Flores administration (President of El Salvador from 1999–2004) began looking at alternative policies to address high crime rates. In 2003, the government issued the *Mano Dura* Plan or Iron First or Zero Tolerance Plan, and passed an "anti-maras law." The plan was directly focused on the repression and dismantlement of gangs. Under this plan a

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[166] Al Valdez, "The Origins of Southern California Latino Gangs," in *Maras: Gang Violence and Security in Central America*, ed. by Thomas Bruneau, Lucia Dammert, and Elizabeth Skinner (Austin: University of Texas Press, 2011), 30.

[167] See Chapter II.

[168] Edgardo Alberto Amaya, "Security Policies in El Salvador," in *Public Security and Police Reform in the Americas* ed. by John Bailey and Lucia Dammert (Pittsburgh: University of Pittsburgh Press, 2006), "Security Policies in El Salvador," 138.

mere suggestion, such as having tattoos or wearing gang-associated paraphernalia warranted enough evidence to arrest an individual. Being a member of a gang had become a crime.

The first *Mano Dura* plan lasted six months (October 2003-April 2004) and resulted in the arrest and imprisonment of 19,275 people. There was tension between the lower courts in El Salvador, whose judges viewed the law as a violation of human rights and unconstitutional, and the Supreme Court, which sided with the Executive branch. An overwhelming majority of these individuals were released due to a lack of evidence in which to apply the law.[169] In addition, the state did not have the institutional capacity to process and "rehabilitate" these gang members once they were arrested.

There is common agreement among scholars and analysts that *mano dura* policies in Latin and Central America have proven to be a failure.[170, 171] Evidence from both El Salvador and Guatemala show these repressive policies to be ineffective. However, politically, the government is seen as doing something to combat crime. Academic Mo Hume argues that politicians sensationalize the gang threat in order to get elected as it provides a common enemy of the state.[172] Despite the un-success of *mano dura*, Flores' successor, Elias Antonio Saca (El Salvadoran President 2004–2009) promoted a Super *Mano Dura* Plan, which issued harsher sentences. Merely belonging to a gang was punished with between three and five years of prison penalty. In addition, revisions of Article 348 of the Criminal Code ordered between two and four years in prison for individuals or groups who disturbed public order, blocked streets or invaded/occupied

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[169] E. Martinez Barhona and S. Linares Lejarraga, "Democracy and 'punitive populism': Exploring the Supreme Courts role in El Salvador," *Democratization* 18(1) (February 2011): 59–60.

[170] Mark Ungar, "La Mano Dura: Current Dilemmas in Latin America Police Reform," in *Criminality, Public Security, and the Challenge to Democracy in Latin America*, ed. by Marcelo Bergman and Laurence Whitehead (Notre Dame: University of Notre Dame Press, 2009), 93–97.

[171] Georgetown Human Rights Action (GHRA), Georgetown Law, *The Scholarly Commons*, "Between the Border and the Street: A Comparative look at gang reduction policies and migration in the United States and Guatemala," (2007), http://scholarship.law.georgetown.edu/hri_papers/2, 8–9.

[172] Mo Hume, "El Salvador Responds to Gangs," in *Development in Practice* 17(6) (November 2007): 745.

buildings, with the aim of criminalizing certain social protest demonstrations.[173] In a study of the El Salvadoran Supreme Court and the role it took in applying security policy, academics Elena Barahona and Sebastian Lejarraga, outline the increasingly repressive and restrictive laws and policies enacted under the Flores and Saca administrations to confront gangs within the state.[174]

Mano Dura in El Salvador had little result other than overpopulating prisons and hardening gang members. Most detrimental it focused resources away from the primary causes of homicide rates within the country and minimized social programs designed to address the root structural issues within society that leads to crime. Contrary to its goal, as shown in Figure 1, it resulted in increased homicide rates. Homicide rates in El Salvador increased from 56 per 100,000 in 2003 to 65 per 100,000 in 2004. The year prior to the adoption of the *Mano Dura* Plan the homicide rate was 47 per 100,000 in 2002. There was a 38% increase in homicide rate within two years.[175]

Unlike the *mano dura* policies in El Salvador, Guatemala did not institute statewide legislation criminalizing gang membership. However, in 2003 the Guatemalan PNC implemented Plan *Escoba* or "Broom Plan," which had a similar goal of rounding up gang members. Guatemala did not have a government policy against gang members; nonetheless the PNC took this approach in efforts to dismantle gangs. However, the arresting police officers were then faced with the problem of finding a "legal" and legitimate reason for arresting an individual. A study found that in most instances the PNC used drug possession, sometimes planted by corrupt police officers, as a means for arrest.[176] Similar to El Salvador, the plan did not have the desired impact. While in effect (June 2003-June 2004), of the approximately 10,500 people arrested there was only a 1% conviction rate. Plan *Escoba* only served to overpopulate the prisons, over-burden a weak

[173] E. Martinez Barhona and S. Linares Lejarraga, "Democracy and 'punitive populism': Exploring the Supreme Courts role in El Salvador," *Democratization* 18(1) (February 2011): 60.

[174] Martinez and Lejarraga, "Democracy and 'punitive populism'."

[175] United Nations Office on Drugs and Crime (UNDOC), Intentional Homicide Rates by Country, http://www.unodc.org/unodc/en/data-and-analysis/homicide.html.

[176]Georgetown Human Rights Action (GHRA), Georgetown Law, *The Scholarly Commons*, "Between the Border and the Street: A Comparative Look at Gang Reduction Policies and Migration in the United States and Guatemala," (2007), http://scholarship.law.georgetown.edu/hri_papers/2.

judicial system, and embolden those that had been arrested. Since 2004, Guatemala has not relied on *mano dura* methods to confront gang crime.[177] Of note, the homicide rates in Guatemala only increased from 35 to 36 per 100,000 people between 2003 and 2004, but there was a notable increase in 2005 to 42 per 100,000. [178]

F. ALTERNATE INITIATIVES

The majority of solutions and efforts to combat crime in both El Salvador and Guatemala have focused on suppression. In both states, the PNCs have become overwhelmed and this has led to the executive calling upon the military to assist in domestic security. The lack of educational and economic opportunities, poverty, and lack of social structure within the community serve as the foundational reasons why people get into a life of crime or join gangs.[179] However, the underlying social and structural issues have taken a back seat to repressive measures issued by the state. There is a tendency for politicians to seek results while they are in office. Social changes and economic development and opportunities take time, but domestic pressures call for immediate responses.

In fairness, there have been several initiatives within each country that has focused on the underlying social issues that lead to crime and violence. There are several non-governmental organizations within each country focused on education, crime prevention and rehabilitation for the disenfranchised.[180] Targeted efforts such as community policing in some cities, offering youth scholarships, and creating employment

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[177] Note current Guatemalan President, Otto Molina Perez (2012-present) campaigned on a *mano dura* platform, but as of publication the Perez Administration has not instituted any *mano dura* policies.

[178] United Nations Office on Drugs and Crime (UNDOC), Intentional Homicide Rates by Country, http://www.unodc.org/unodc/en/data-and-analysis/homicide.html.

[179] Lainie Reisman, "Breaking the Vicious Cycle: Responding to Central American Youth Gang Violence," in *SAIS Review* 26(2) (Summer-Fall 2006): 150.

Mo Hume, "El Salvador Responds to Gangs," *Development in Practice* 17(6) (Nov 2007): 742.

[180] Georgetown Human Rights Action (GHRA), Georgetown Law, *The Scholarly Commons*, "Between the Border and the Street: A Comparative Look at Gang Reduction Policies and Migration in the United States and Guatemala," (2007), http://scholarship.law.georgetown.edu/hri_papers/2, 18–20.

opportunities have had positive results. Yet, the majority of research depicts that these efforts are under-funded and receive less attention from policymakers.[181]

G. EXPLAINING THE OUTCOME

Critical Junctures represent an important window in which a state can dismantle, reform, and create institutions. The decisions made during this crucial timeframe have shown to have long term, lasting impacts. In comparing the two cases, at the creation of its new PNC, El Salvador followed the guidelines outlined in the negotiated peace accords and invested in training new recruits and developing a professional police force. In contrast, with the creation of its new PNC, Guatemala invested less in training and professionalism and concentrated more on getting the members out on the street. These decisions placed the institutions within these states on different paths, and resulted in El Salvador having an overall better police force than Guatemala. However, El Salvador paid a price. As it took time to build its institutions in the post war period, homicide rates skyrocketed forcing the newly trained PNC to employ into hostile conditions and work harder to quell the violence. However, a few years after the PNC was fully deployed, homicide rates began to stabilize and started to decline, but as they did public demands to address crime within the state along with media sensationalism of gangs, prompted government officials to focus extensively on dismantling the gang problem. In doing so, it overlooked other sources of violent crime and the hardline policies only served to exacerbate the crime problem within the state resulting in a rise in homicide rates, that were actually declining. As for Guatemala, it was able to avoid a post-war surge in homicide rates by not fully demobilizing its standing police force before the new force would be deployed. In addition, by pushing members through the system, it was able to rapidly increase the force size of the PNC. However, in terms of institutional capability and capacity, this decision set Guatemala on a path to have a less professional and capable force. In addition, by recycling a large number of the previous police forces, corrupt behavior subsisted. In terms of homicide rates, while it was able to avoid an initial surge, homicide rates have steadily increased.

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[181] Michael Shifter, "Countering Criminal Violence in Central America," Council on Foreign Relations, Center for Preventive Action, *Council Special Report* 64, 13.

Creating strong institutions is an important step in post war reconstruction, but strong institutions are not always indicative of a more orderly society. This case study reveals that institutional investment is critical, but the polices governments undertake are just as important.

V. CONCLUSION

A. SUMMARY AND FINDINGS

This thesis set out to explain why despite stronger institutional capability and capacity, El Salvador has consistently had higher homicide rates than neighboring Guatemala. The study concentrated on intentional homicide rates because it is a good indicator on the degree of public security in a city or country. While the data from most organizations such as the United Nations (UN), World Health Organization (WHO), and national police forces are estimated figures, there are sufficient data spanning decades to be used for trend analysis. Both states have problems with organized crime syndicates, drug trafficking organizations, and youth gangs. In review, there are more gang members in terms of percentage of population in El Salvador than there are in Guatemala. With respect to drug trafficking, reports such as the UN World Drug Report show Guatemala as having higher instances of drug trafficking, cultivation, and use than El Salvador. In addition, analyses indicate the drug trafficking business to be a major cause of violent deaths. While gang members are often the scapegoat for phenomenally high violent crime rates, an important note on both countries is that several studies reveal gang members as only being responsible for approximately 15% of intentional homicides. These findings serve to eliminate the type of crime as being the reason for the substantially higher homicide rates in El Salvador. El Salvador has more gang members, but less drug traffickers, and those gangs reportedly only constitute a minor number of homicides.

Both countries had brutal civil wars in which the United Nations (UN) intervened to broker peace negotiations between government and guerilla forces. For most of the twentieth century, the militaries maintained a dominant role within each state, and thus the peace process presented a crucial window for change. The two peace accords called for a substantial reduction in the size of the armed forces and the elimination of existing police and paramilitary guard forces. A cornerstone of both peace accords was the creation of a new Civilian National Police (PNC) force, which assumed responsibility for maintaining domestic order and protecting citizen rights. A study of the post-war security apparatuses in El Salvador and Guatemala reveal El Salvador as being significantly more

professional, consolidated, and capable than Guatemala. Of note, El Salvador is far behind much of the western world in terms of capability and the professionalism of its PNC has received some criticism, but a regional comparison shows it is better off than its neighbors. Yet, the El Salvadoran PNC and courts have been less capable at maintaining public order.

Two major scholarly theories were examined in this case study. The first is the concept that strong institutions lead to a more orderly society. The second pertains to regime transitions and how institutional decisions made during the transition period can have a lasting impact. Tracing the development of the PNCs back to their creation, a major difference is seen in the decisions the governments made in the establishment and training of their police forces. The peace accord process and the immediate years that followed was a critical juncture for both states. El Salvador made short-term sacrifices for the longer-term gain. By investing more in the training and phased deployments of new recruits and largely adhering to the guidelines outlined in the peace accords, it resulted in the state having a better security force. Yet, demobilizing the old security force while taking the time to build the new one resulted in a security gap on the streets and violent crime rates increased dramatically. Taking the time to more effectively build the PNC showed to be a prudent decision. A few years after the forces were fully deployed homicide rates began to decline. However, an interesting intervening variable, which caused crime rates to rise once again, was media sensationalism and a slightly flawed public perception of crime. Gang members, undoubtedly contributed to the overall crime problem within the state and it is a critical social issue requiring attention, however the adoption of repressive mano dura policies only served to exacerbate the gang situation and divert resources away from the other sources of violent homicide rates.

On the other hand, the Guatemalan government did what it thought to be most prudent to avoid the high crime rates seen a couple years earlier in El Salvador. It kept its old security forces on the streets, while rapidly pushing new recruits through the academy. Admittance standards were lowered and the length of training shortened in efforts to rapidly get police forces through the system. Guatemala was able to avoid a sharp post-war crime flux, but the institutions as a whole has suffered over the long term.

There has been a gradual increase in violent crime rates since its civil war ended, and there is a legacy of corruption and distrust within the police force. The subsequent adoption of hardline policies in Guatemala, while not as severe as the *mano dura* policies in El Salvador, backfired, and it too saw an increase in violent crime.

The findings of this comparative case study suggest that the strength of institutions does matter when it comes to maintaining order within a society, but also that government policy is an essential component that can serve to impact the effectiveness of those institutions.

B. POLICY RECOMMENDATIONS

The phenomenally high homicide rates in El Salvador and Guatemala continue to occupy headlines and generate discussion from policymakers, scholars, and analysts. The underlying structural issues that contribute to citizen insecurity did not form overnight, and it will take time to address the root causes. An important policy recommendation stemming from this research project is the importance of establishing an effective transitional public security force in the aftermath of a post conflict situation or regime change while building and training up the new force. The El Salvadoran case suggests the transitional force should be in place before the demobilization of the outgoing or occupying force. Furthermore, the Guatemalan case suggests that it is not sufficient enough to recycle existing forces and acknowledges the quality and thoroughness of training matters when building institutions.

Another recommendation is the necessity of basing policy decisions and law enforcement plans on available data and research as opposed to perception. A common agreement among researchers is that more detailed data needs to be gathered in order to conduct an in-depth analysis of the crime phenomena in Central American states. Increased data collection and analysis would greatly assist policymakers and law enforcement agencies in providing targeted solutions. However, as policymakers in El Salvador and Guatemala continue to run on mano dura type platforms and use repressive strategies within law enforcement, it signifies they are ignoring the data that does exist. There is a plethora of literature and analysis on how mano dura does not work; yet it still

wins votes. In order to maximize the benefits aid to the region, more support should be given to policies, training, and plans that concentrate on the underlying structural issues within these states, and less to the more aggressive policies that have proven to be counterproductive.

The Central America Regional Security Initiative (CARSI) is the major United States effort to assist Central American states with improving public and citizen security. CARSI has five main goals.

- Crate safe streets for citizens in the region
- Disrupt the movement of criminals and contraband within and between the nations of Central America
- Support the development of strong, capable and accountable Central American Governments
- Re-establish effective state presence and security in communities at risk
- Foster enhanced levels of security and rule of law coordination and cooperation between the nations of the region[182]

Security assistance for Central America was first incorporated under the Merida Initiative with Mexico, but the plan split in 2010, having CARSI focus specifically on Central American states. The majority of CARSI funds and efforts have gone towards illegal drug interdiction.[183] Drug use within these states has risen over the last several years, but most of the drugs transiting the region are en route to the United States. The security institutions in El Salvador and Guatemala do not have the capacity to confront drug trafficking organizations (DTOs). DTOs have more financial resources and access to more advanced weapons than many local police forces. The illegal drug trafficking business is a significant contributor to state homicide rates. Given these factors the U.S. focus on supporting interdiction efforts seems to be well appointed. Another positive aspect of CARSI is that it ties aid to human rights conditions and law enforcement and

[182] United States State Department, Bureau of Public Affairs, "The Central America Regional Security Initiative: A Shared Partnership," August 5, 2010, http://www.state.gov/documents/organization/145956.pdf.

[183] U.S. Library of Congress, Congressional Research Service, *Central America Regional Security Initiative: Background Policy Issues for Congress*, by Peter J. Meyer and Clare Ribando Seelke, CRS Report RL41731 (Washington, DC: Office of Congressional Information and Publishing, February 21, 2012), 25.

military personnel conducting operation with or receiving training from U.S. personnel have to be vetted.[184] These types of restrictions demonstrate U.S. efforts to ensure funding is not wasted and will have a better chance at contributing to positive results within the states. Overall, CARSI has made positive contributions to increasing public security in El Salvador and Guatemala, and these efforts and engagements should continue.

The sad reality is that high homicide rates will most likely continue to plague El Salvador and Guatemala over the next several years. Tackling problems such as drug trafficking, other organized crimes, and addressing youth gangs will take time. Of utmost importance, is making efforts to align public perception with reality. In doing so, resources can be allocated more effectively to address the continuously increasing high homicide rates.

This research focused on the post-war development of security institutions, government policies, and how these factors have affected the state of crime in El Salvador and Guatemala. However, institutions and domestic security policy are only one aspect. This case study touched on other variables worth examining and researching. For example, the role of the United Nations or other international entity in negotiating peace. In transitions, the presence and actions of these organizations during the critical juncture window impacted the paths these states took. Pressure from these organizations can serve to restrict or open options. Additionally, there was a major emphasis on building and reforming the security and political institutions in these countries. However, brutal wars such as those in Central America tear apart the state as well as the nation. In both countries, there was a lack of initiatives and plans for social and structural development to help the population transition. Finally, external transnational dynamics, specifically the regional crime wave and migration patterns, significantly overwhelmed state capacity. A detailed analysis of these overlapping domestic and international issues goes beyond the scope and length of this work, but is worth further examination and

[184]U.S. Library of Congress, Congressional Research Service, *Central America Regional Security Initiative: Background Policy Issues for Congress*, by Peter J. Meyer and Clare Ribando Seelke, CRS Report RL41731 (Washington, DC: Office of Congressional Information and Publishing, February 21, 2012), 25–26, 30–31.

research. Perhaps additional comparative studies with other Central American states would serve to identify additional policy recommendations.

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